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DOCUMENTS

6 SEPTEMBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 6, 1984 at 1400 hours in a Special Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder

ABSENT: Commissioners Sanchez, Toler

Commissioner Nelder presiding.

HEARING OF RECRUIT OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION

The hearing of Recruit Officer Edward Ruppenstein, Southern Station, was called it having been set for this date. Officer Ruppenstein was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Recruit Officer Edward Ruppenstein appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Defense, were sworn and testified:

Police Officer Valerie Aygard	Park Station
Police Officer Martin Kilgariff	Ingleside Station
Mrs. Ellen Blythe	366 - 36th Avenue,
	San Francisco
Mrs. Stephanie Ruppenstein	Lafayette, CA

The following named witness was called by the Prosecution as a rebuttal witness, was sworn, and testified:

Police Officer Bruce Meadors	Ingleside Station
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The following exhibits were entered into evidence by the Defense:

Exhibit #1	Photo depicting inside of a bathroom possibly of the Rathskeller Bar and Restaurant.
Exhibit #2	Photo depicting two urinals possibly inside a bathroom at the Rathskeller Bar and Restaurant.
Exhibit #3	Photo depicting front of Rathskeller Restaurant.
Exhibit #4	Photo depicting two urinals and two toilet stalls and a door inside Rathskeller Bar and Restaurant.

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Exhibit #5 Diagram of inside of Rathskeller Bar and Restaurant.

Attorneys for the Police Department and for the Defense submitted their case and thereafter, Mr. Michael Gash, presented a closing statement and Mr. John Prentice also submitted his closing statement.

The Commission took the matter under submission, recessed and returned, finding that the Charges in Specifications No. 1 and No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Officer Edward Ruppenstein, Southern Station be terminated on each Specification.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 953-84

DECISION - HEARING OF RECRUIT OFFICER EDWARD H. RUPPENSTEIN, SOUTHERN STATION

WHEREAS, on June 21, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Recruit Officer Edward Ruppenstein, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Edward H. Ruppenstein, Star 2135, was and is a probationary police officer employed by the San Francisco Police Department. Officer Ruppenstein was and is a member of the 156th Recruit Class. Officer Ruppenstein is currently assigned to Co. B - Southern Station; however, he was suspended on June 21, 1984;
- (b) As a police officer, Officer Ruppenstein (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;
- (c) On or about April 26, 1984, at approximately 1800 hours, a party commenced at the Rathskeller Restaurant and Bar ("Rathskeller"), located at 600 Turk Street in San Francisco, for the purpose of celebrating the completion of the Field Training Program by members of the 156th Recruit Class. In attendance at this party during the evening were members of the 156th Recruit Class, Field Training Officers and Sergeants, spouses, friends, and the general public;
- (d) At or about 2030 hours, the accused and Officer Thomas J. Lovrin, Star 2235, solicited and collected money for entertainment from persons in attendance at the party. Officer Lovrin informed the contributors that the entertainment would be a stripper;



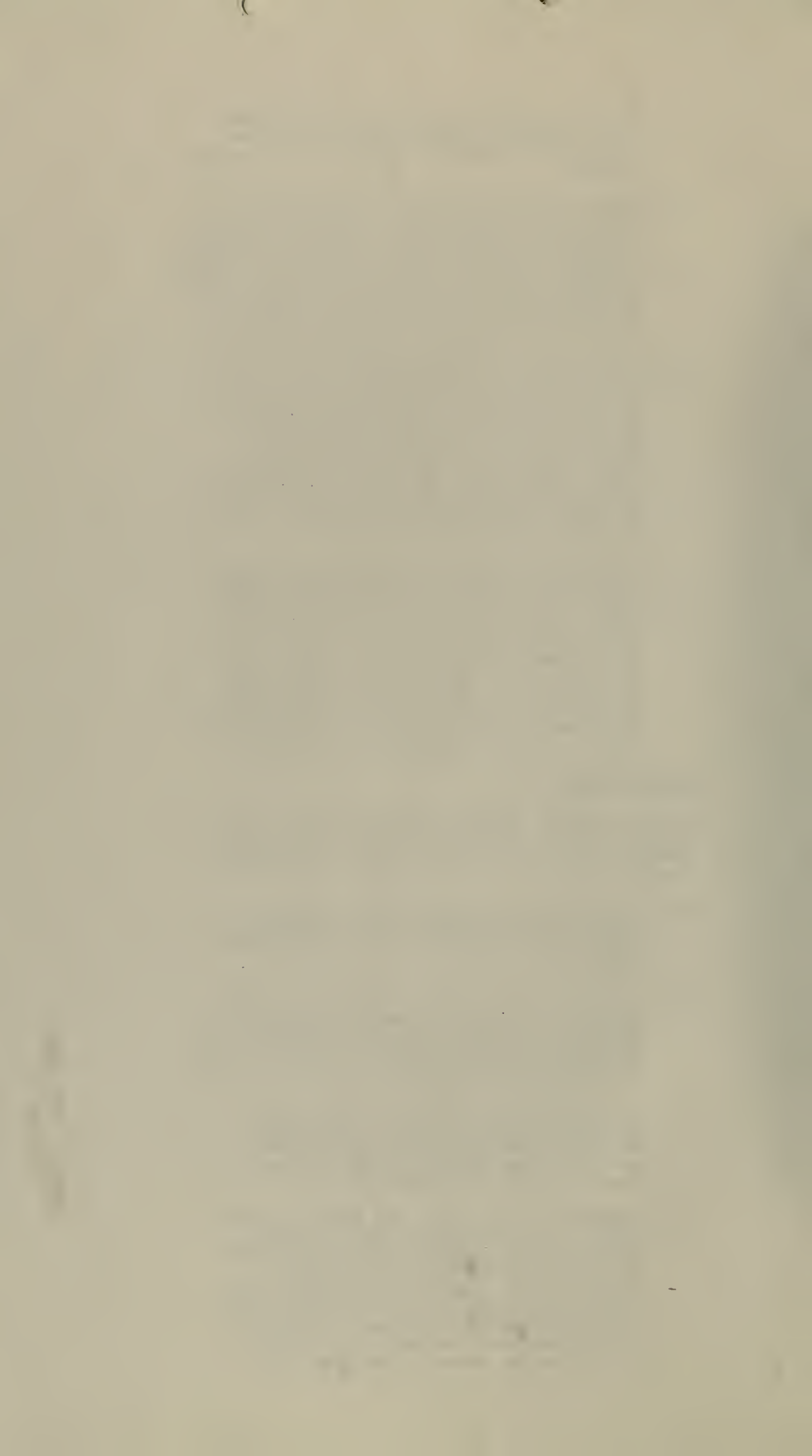
- (e) At or about 2100 hours, the accused and Officer Lovrin approached a recruit officer at the bar and purchased two shots of whiskey for the recruit to drink;
- (f) After the recruit officer finished consuming the alcohol, the accused and Officer Lovrin accompanied him to the rest room; however, neither the accused, nor Officer Lovrin used the facilities. The accused and Officer Lovrin then escorted the recruit officer to a group of individuals who escorted the officer to the stage where he was handcuffed to a chair and a female orally copulated the handcuffed recruit;
- (g) By soliciting and collecting money for entertainment from persons to the party, following the recruit officer into the restroom and escorting the recruit officer to the group which escorted the recruit to the stage of the Rathskeller, where the recruit was handcuffed and a female orally copulated him, the accused has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about May 4, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;
- (c) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion;
- (d) When questioned regarding this incident on May 4, 1984, the accused failed to disclose to the interviewer that he was with the recruit officer, who was handcuffed to a chair on the stage and orally copulated, just prior to the recruit being escorted to the stage and failed to disclose that he had followed the recruit into the rest room just prior to the incident and escorted the recruit to the group which



escorted the recruit to the stage. The accused was also evasive in his answers regarding solicitation and collection of money for entertainment from persons in attendance at the party, evasive in his answers as to what happened to the money for entertainment from persons in attendance at the party, evasive in his answers as to what happened to the money after he collected it and evasive in answering questions regarding the identity of the person he received the collection container from;

- (e) By failing to answer questions asked by a superior officer truthfully and without evasion as set forth in paragraph (d) above, the accused has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, August 28, 1984, and Thursday, September 6, 1984, and on Thursday, September 6, 1984 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2, as preferred by the Chief of Police against Officer Edward Ruppenstein, are sustained by a preponderance of the evidence presented. The Commission adopts the language of said charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

SPECIFICATION NO. 1	Termination
SPECIFICATION NO. 2	Termination

and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Sanchez, Toler

Recesses taken during the hearing of Officer Ruppenstein:

3:37 p.m. to 3:47 p.m.
4:07 p.m. to 4:11 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

6 SEPTEMBER 1984EXECUTIVE SESSION

The Executive Session of the Police Commission of the City and County of San Francisco scheduled at 1700 on Thursday, September 6, 1984 at Room 512, Hall of Justice, 850 Bryant Street, was cancelled.

6 SEPTEMBER 1984REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 6, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler
Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDARRECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCORESOLUTION NO. 985-84ABC TOWING (G. ROTWEIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (G. Rotwein) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 986-84MARC A. GINERIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc A. Gineris in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 987-84ELIZABETH SCHAAF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Schaaf in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 988-84ANTHONY M. KAYE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony M. Kaye in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 989-84

LAURA GENE SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Gene Smith in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 990-84

GEORGE VAN ESS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Van Ess in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 991-84

NICOLE MARTINOVICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicole Martinovich in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 954-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT POLICE OFFICERS ROBERT HERNANDEZ AND THOMAS CLEARY, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE CLANDESTINE DRUG LABORATORY COURSE IN SACRAMENTO, CA FROM 9/25/84 TO 9/27/84

RESOLVED, that the recommendation of the Chief of Police that Officers Robert Hernandez and Thomas Cleary, Narcotics Detail, be authorized to attend the Clandestine Drug Laboratory Course in Sacramento, California from September 25, 1984 to September 27, 1984, is hereby approved; and be it further

RESOLVED, that expenses incurred in attending this course in a sum not to exceed \$226.00 for subsistence and travel is reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 955-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT POLICE OFFICERS THOMAS HORAN AND THOMAS DEL TORRE, CRIME PREVENTION UNIT, BE AUTHORIZED TO ATTEND THE ANNUAL TRAINING CONFERENCE OF THE CALIFORNIA CRIME PREVENTION OFFICERS ASSOCIATION IN SACRAMENTO, CA FROM 9/19/84 TO 9/21/84

RESOLVED, that the recommendation of the Chief of Police that Officers Thomas Horan and Thomas Del Torre, Crime Prevention Unit, be authorized to attend the Annual Training Conference of the California Crime Prevention Officers' Association in Sacramento, California from September 19, 1984 to September 21, 1984; and be it further

RESOLVED, that expenses incurred in attending this course in a sum not to exceed \$224.00 each for registration fees and subsistence, will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 952-84

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL JAMISON,
POTRERO STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Michael D. Jamison, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, December 13, 1984, therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Michael Jamison, is set for Thursday, December 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 949-A

NOTIFICATION AND FILING OF CHARGES AGAINST OFFICER HERSCHELL
BRISCOE, RICHMOND STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Herschell Briscoe, Richmond Station, as follows:

SPECIFICATION NO. 1

Failure to obey a lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Herschell Briscoe, Richmond Station, is set for Thursday, September 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 951-84

HEARING OF OFFICER EDWARD L. WALDORPH, MUNI TRANSIT DIVISION

WHEREAS, the hearing of Officer Edward L. Waldorph, Muni Transit Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, December 6, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Edward Waldorph, Muni Transit Police Division, is set for Thursday, December 6, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1021-84

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Michael F. O'Neill, Southern Station, was suspended without pay effective Wednesday, July 11, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Michael F. O'Neill, Southern Station, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Michael F. O'Neill, Southern Station, be placed on a Leave of Absence Without Pay at his request for a period of thirty-seven (37) days commencing Friday, August 31, 1984 through Saturday, October 6, 1984, inclusive.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez said he would like to make just one brief statement and that is regarding the schools. He said they have opened up again and that the Department has really been disseminating the information regarding school safety and the enforcement of the various colored parking zones. He said he hopes that this continues. He also said the Commission welcomes the Chief back and offers its thanks to Deputy Chief Eimil and other Deputy Chiefs who assumed overall command during the Chief's absence.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he has no report tonight.

RESOLUTION OF POLICE COMMISSION TO ADOPT A PROGRAM ENTITLED "MY FAVORITE COP"

Commissioner Hsieh said he would like to move that this item be continued one week in order that it may be discussed with Chief Murphy. Commissioner Daly seconded and it was continued to the next meeting.

RESOLUTION NO. 1008-84

DEPARTMENT GENERAL ORDER Q-5, "PROPERTY SIGNED OUT OF THE PROPERTY CONTROL DIVISION", "ACCOUNTING BY OFFICERS FOR PROPERTY", AND PROPERTY RETAINED IN COURT" - APPROVED

RESOLVED, that the Police Commission hereby adopts Department General Order Q-5, Property Signed Out of the Property Control Division, Accounting by Officers for Property, and Property Retained in Court.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1009-84

DEPARTMENT GENERAL ORDER D-12, "JUVENILE PROCEDURES"

RESOLVED, that the Police Commission hereby adopts Department General Order D-12, "Juvenile Procedures".

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1010-84

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$106,833 TO RECLASSIFY ELEVEN POSITIONS IN THE GENERAL PARKING ENFORCEMENT PROGRAM

RESOLVED, that the Police Commission hereby approves the Supplemental Appropriation in the amount of \$106,833 to reclassify eleven (11) positions in the General Parking Enforcement Program.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF LIMOUSINE PERMITS

Officer Farrell Suslow advised the Commission that this matter has come on calendar as regularly scheduled. He said all the applicants and all interested parties were given due notice of this hearing and as per past procedure, he would recommend that any of the applicants who happen to be present be allowed to speak first and thereafter other interested parties.

Commissioner Sanchez then called for the applicants present to come forth. There was no response and he asked Officer Suslow if the Department had a recommendation. Officer Suslow said the Department had not received any information as to any changes as far as Public Convenience and Necessity was concerned on this issue since the last hearing on the subject, at which time it was found that there was no need for any additional limousines. He therefore said the Department recommends denial of issuance of additional limousines.

Commissioner Nelder said he would move for denial as recommended by the Department. Commissioner Daly seconded. Commissioner Hsieh said that the public hearing on this item should be closed so that the next item could be heard. Commissioner Nelder said he would move that this be included in his motion. Commissioner Toler seconded, and it was unanimously approved.

RESOLUTION NO. 1022-84

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a limousine in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, September 6, 1984; and

WHEREAS, Police Department staff, after survey of prevailing conditions and activities of limousine operations, testified in opposition to the granting of additional permits and evidence in support of this position was presented to the Commission; and

WHEREAS, the law required that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional limousine permits; and be it further

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

Reid, James W. Jr.
Henke, Milton W. Jr.
Pearce, Charles W.
Phillips, Charles E.
Anzai, Masayoshi
Fraydouni, Nasser
Webb, John E.
Filous, Nino

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF SIGHTSEEING BUS PERMITS

Privett, Roy L.
Clutton, Robert
Felso, Dennis P.
Gridley, Arnold S.
Richler, Thomas E.
Collins, Thomas J.
Sharabi, Ariel A.
Buttery, Hugh C.
Desta, Yossedek M.
Calvo, Tony M.
Dalpe, Guy R.

Officer Farrell Suslow said this is a companion item to 14 above and that all applicants were notified along with all interested parties. In addition, he said it was advertised in the newspaper. He said he did see some of the applicants on this item present and once again he would recommend that the applicants be given a chance to speak first.

The first speaker was Yossedek M. Desta. Mr. Desta said in his application form, which he was not sure the Commissioners possess, that he had expressed clearly why there is need and necessity for Rickshaw service.

Commissioner Sanchez then said that at the present the Commission was entertaining the matter for Sightseeing Bus permits.

Officer Suslow advised that the way the code is written motorized rickshaws are considered under Sightseeing Bus classification,

Mr. Desta then read into the record his statement as to why additional rickshaw permits should be issued.

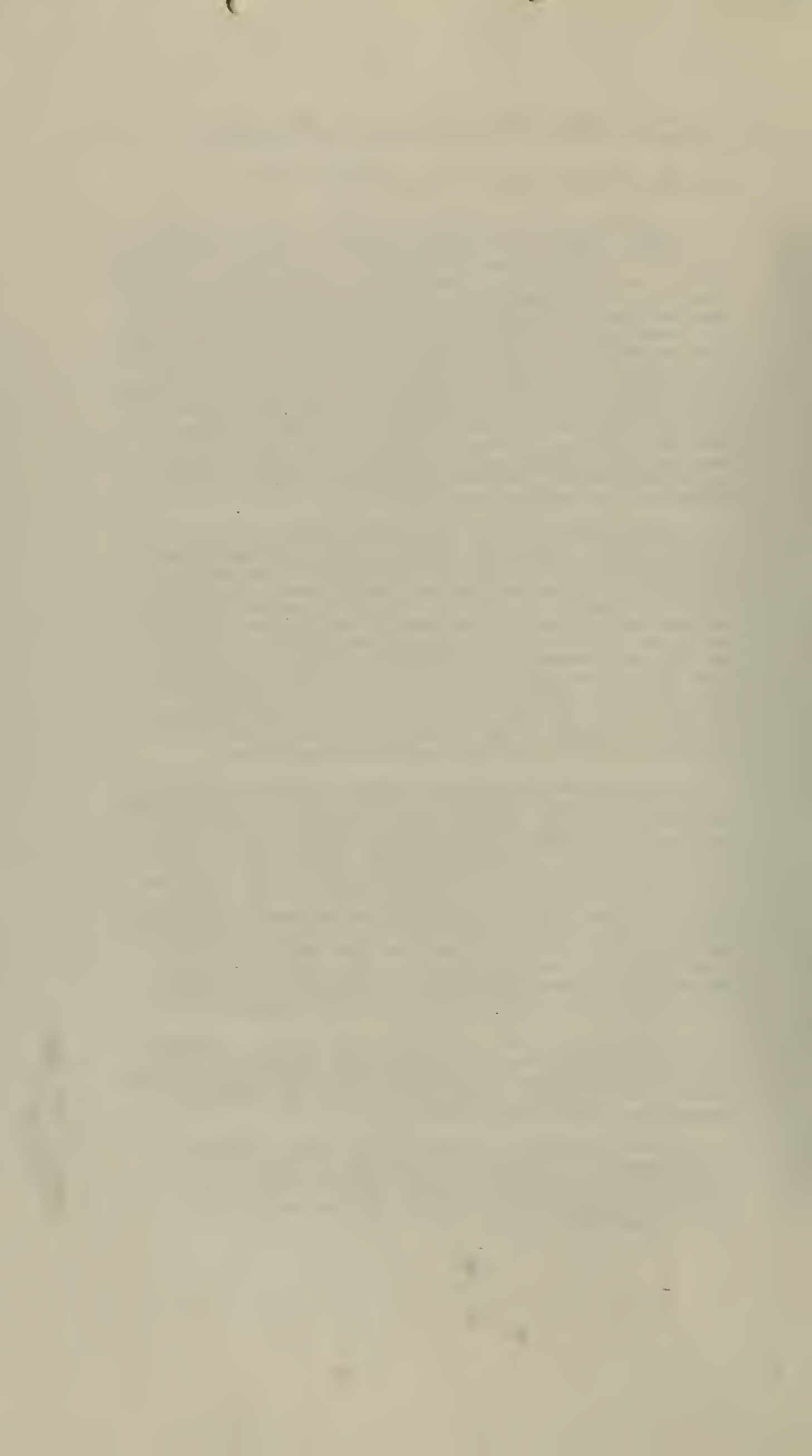
Commissioner Nelder thereafter asked Officer Suslow what the Department's response on this matter would be. Officer Suslow stated that on this particular application which was just filed, the Department has not had a chance to conduct a study. He said at the present time there are three existing motorized rickshaws licensed by this Department which generally operate only in the summer and only in the Chinatown area. The Commissioners then indicated they had seen them operating at Fisherman's Wharf but it was pointed out that these were pedicabs, non-motorized, and not covered by the Code. Chief Murphy said in regard to the pedicab situation, he said about three years ago there was only one working in the area and now there are at least 25 of them. He said they cause more traffic problems than they are worth. He said at some point there will have to be some regulation on pedicabs. He said before the Commission rules on the whole issue of motorized rickshaws and pedicabs, that the Department be allowed two weeks to study it.

Officer Suslow said that they, Permit Section, have been contacted by members of the City Attorney's Office and that evidently the Board of Supervisors and the City Attorney are considering legislation on the pedicabs and motorized rickshaws. He continued by saying beyond that on this item there are 8 applicants and three are here for motorized rickshaw permits. He said also the State has retaken control of sightseeing bus permits. He said two years ago they had divested their interest in it and now has taken it back. He said the Department had just received the Assembly Bill that informs the Department of this, and it is to take effect January 1, 1985. He said his recommendation would be to put this off calendar pending outcome of legislation from the Board of Supervisors on the pedicab and motorized rickshaw issue.

The next speaker was Mr. Guy R. Dalpe. He said he would like to say that the tourist business in San Francisco is a major revenue producing undertaking. He said because of this, it is better for San Francisco to provide service that tourist not only will enjoy but will find useful. He said an example of this type of service is the cable car line. He said that tourists find that cable cars are not only attractive and enjoyable to ride but also a useful means of transportation to various sightseeing areas in San Francisco. He said in 1984 the Taxi Task Force, set up by Mayor Feinstein and the Police Commission, established that there was a shortage of taxis available to service the public of San Francisco. He said the motorized rickshaw service will help alleviate this problem by attracting and servicing visitors for short sightseeing tours.

The next speaker was Mr. Tony Calvo. He was also requesting a motorized rickshaw permit. He then gave the Commission a description of the vehicles and assured the Commission that they would be ideal for the streets of San Francisco. He then showed the Commissioners photos of the vehicles.

As there were no more speakers, Commissioner Sanchez said the Department will review the matters that have been discussed, including the comprehensive review of the three applications pertaining to the motorized rickshaws and then come back with some recommendations.



HEARING OF POLICE OFFICER CLIFTON F. FOGARTY, POTRERO STATION

The hearing of Police Officer Clifton Fogarty, Potrero Station, was called it having been set for this date. Officer Clifton Fogarty, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department, (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Officer Clifton Fogarty, appeared in person and was represented by Mr. Gregory W. Winters, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash, Attorney for the San Francisco Police Department.

An opening statement was made by Mr. Gregory Winters, Attorney at Law representing Officer Clifton Fogarty. Officer Fogarty, through his attorney, entered a plea of Guilty.

The Charges against Officer Clifton Fogarty were then read into the record.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer Clifton Fogarty	Potrero Station
Captain Roger Maloney	Potrero Station

A motion was made by Commissioner Burl Toler to accept the plea, and was seconded by Commissioner Jo Daly and unanimously approved.

The Commission took the matter under submission, recessed and returned, finding that the Charges in Specifications No. 1 and No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Clifton Fogarty be terminated, but said termination be held in abeyance for 12 months and that Officer Fogarty be suspended for 90 days but given credit for time served which is approximately 58 days with the remaining 32 days to be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

DECISION - HEARING OF OFFICER CLIFTON FOGARTY, POTRERO STATION

RESOLUTION NO. 949-84

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police, made and served charges against Officer Clifton F. Fogarty, Potrero Station, as follows:



SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Clifton F. Fogarty, Star 255, was and is a police officer employed by the San Francisco Police Department. Officer Fogarty was assigned to Company C, Potrero Station; however, he was suspended on May 2, 1984;
- (b) As a police officer, Officer Fogarty (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On or about May 2, 1984, at approximately 0330 hours, Communications received a call that a window was broken in the area of 17th Avenue and Taraval Street in San Francisco. As the responding unit arrived at the scene, the accused who was off-duty, was observed walking westbound on Taraval Street. The responding unit directed its spotlight on the accused and observed approximately three (3) rolls of packaged film fall to the ground;
- (d) One of the officers responded to the area where the accused had dropped the packaged rolls of film and observed that the window to the Fotomat Store was broken and pushed inward. The accused during this time walked to the far side of the radio car and was observed withdrawing another packaged roll film from his right pants pocket. During a pat search of the accused for weapons, the accused withdrew approximately seven (7) more packaged rolls of film from his pants pockets. The accused was then arrested and transported to Company I - Taraval Station;
- (e) Any person who enters any house, room, apartment, shop, warehouse, store or other building with the intent to commit grand or petty larceny is guilty of a crime as defined in the California Penal Code;
- (f) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by breaking and entering a closed Fotomat Store and taking approximately eleven rolls of film, not only failed to prevent crime, but actually engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question,"

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department, (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 1 are hereby incorporated as though each were fully set forth herein;

- 4
- (b) By entering a closed Fotomat Store and taking approximately eleven rolls of film and being arrested by an officer of the San Francisco Police Department, the accused has engaged in conduct which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 6, 1984, and on Thursday, September 6, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Officer Clifton Fogarty as contained in Specification No. 1, violation of Rule A-2 of General Order D-1 of the San Francisco Police Department and Specification No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that the Commission finds that the allegations contained in Specifications No. 1 and No. 2, as preferred by the Chief of Police against Officer Clifton Fogarty, are sustained by the evidence presented. The Commission therefore adopts the language of said charges as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1	(penalty)	Termination
Specification No. 2	(penalty)	90 calendar days

and be it further,

RESOLVED, that said termination shall be held in abeyance for three (3) years provided that Officer Fogarty be suspended for 90 calendar days for Specification No. 2, but given credit for time served which is approximately 58 days with the remaining 32 days to be imposed, commencing Monday, September 10, 1984 at 0001 hours and ending on Thursday, October 11, 1984 at 2400 hours. Quarterly Reports are to be made on Officer Fogarty to his Commanding Officer and the Chief of Police, and if any violations of Department Rules and Procedures are committed at any time by Officer Fogarty during the next three (3) years, said Termination Order, will be and shall be, hereby imposed.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

5

HEARING OF POLICE OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

RESOLUTION NO. 948-84

The hearing of Police Officer Nickolas M. Repovich, Southern Station, was called it having been set for this date. Police Officer Nickolas Repovich, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Nickolas M. Repovich did not appear but was represented by Mr. Gilbert Eisenberg, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

A statement was made by Mr. Gilbert Eisenberg, placing matters on the record and requesting a continuance.

A motion was made by Commissioner Alfred Nelder to deny the request, and was seconded by Commissioner Burl Toler.

An opening statement was made by Mr. Michael Gash for the prosecution.

The following named witnesses were called by the Prosecution, was sworn and testified:


Officer Kitt E. Crenshaw	Northern Station
Sergeant Michael Johnson	Narcotics

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Cassette Tape of Arrest of Officer Nickolas M. Repovich
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After listening to testimony from the above parties, the Commission then adjourned at 11:30 p.m. and the matter was continued to Thursday, September 13, 1984 at 3:30 p.m. in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

13 SEPTEMBER 1984

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 13, 1984 at 1530 hours in a Special Session.

PRESENT: Commissioners Sanchez, Hsieh, Nelder, Daly
Toler

HEARING OF OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

RESOLUTION NO. 981-84

The hearing of Police Officer Nickolas M. Repovich, Southern Station, was called it having been set for this date. Officer Repovich was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Nickolas Repovich did not appear at this Hearing. The Commission officially notified his Attorney, Mr. Gilbert Eisenberg, to instruct him that The Commission Ordered him to appear personally at this week's September 13, 1984 Hearing at 3:30 p.m. in Room 551, Hall of Justice.

Mr. Gilbert Eisenberg, Attorney at Law, appeared on behalf of Officer Nickolas Repovich.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Prosecution were sworn and testified:

Officer Anne Harrington	Vice Bureau
Mr. William Cleary	165 Mississippi Street, San Francisco, California

Attorneys for the Police Department and for the Defense submitted their cases and thereafter, Mr. Michael Gash, presented a statement and Mr. Gilbert Eisenberg also submitted his closing statement.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specification No. 1 are sustained, and the charges in Specification No. 2 are dropped at the request of the Prosecuting Attorney.

Based on those findings, the Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Officer Nickolas M. Repovich, Southern Station, be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 981-84

DECISION - HEARING OF POLICE OFFICER NICKOLAS M. REPOVICH
SOUTHERN STATION

WHEREAS, on July 10, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Nickolas M. Repovich, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Nickolas M. Repovich, Star 1315, was and is a police officer employed by the San Francisco Police department. Officer Repovich was assigned to Company B - Southern Station, however, he was suspended on July 4, 1984;
- (b) As a police officer, Officer Repovich, (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On or about June 20, 1984, or sometime thereafter, the accused furnished the resident of 165 Mississippi Street in San Francisco (hereinafter, the resident) with two and one half ounces of cocaine. The accused also asked the resident to sell cocaine and pay the proceeds from the sale to the accused;
- (d) From about June 20, 1984, until about July 3, 1984, the resident paid the accused approximately \$400 from the sale of cocaine;
- (e) From about June 25, 1984 until July 4, 1984, on three separate occasions, the resident sold cocaine to an undercover police officer of the San Francisco Police Department. Pre-recorded Narcotics Sections funds were used for each purchase;
- (f) On or about July 4, 1984, at approximately 1630 hours, the accused, while on duty and in uniform went to 165 Mississippi Street and discussed with the resident the price and the amount of money the accused expected to receive from the sale of cocaine by the resident;
- (g) On July 4, 1984, at approximately 1630 hours, the accused accepted \$500.00 in cash from the resident as payment from the sale of cocaine and asked the resident to give him a half ounce of cocaine;

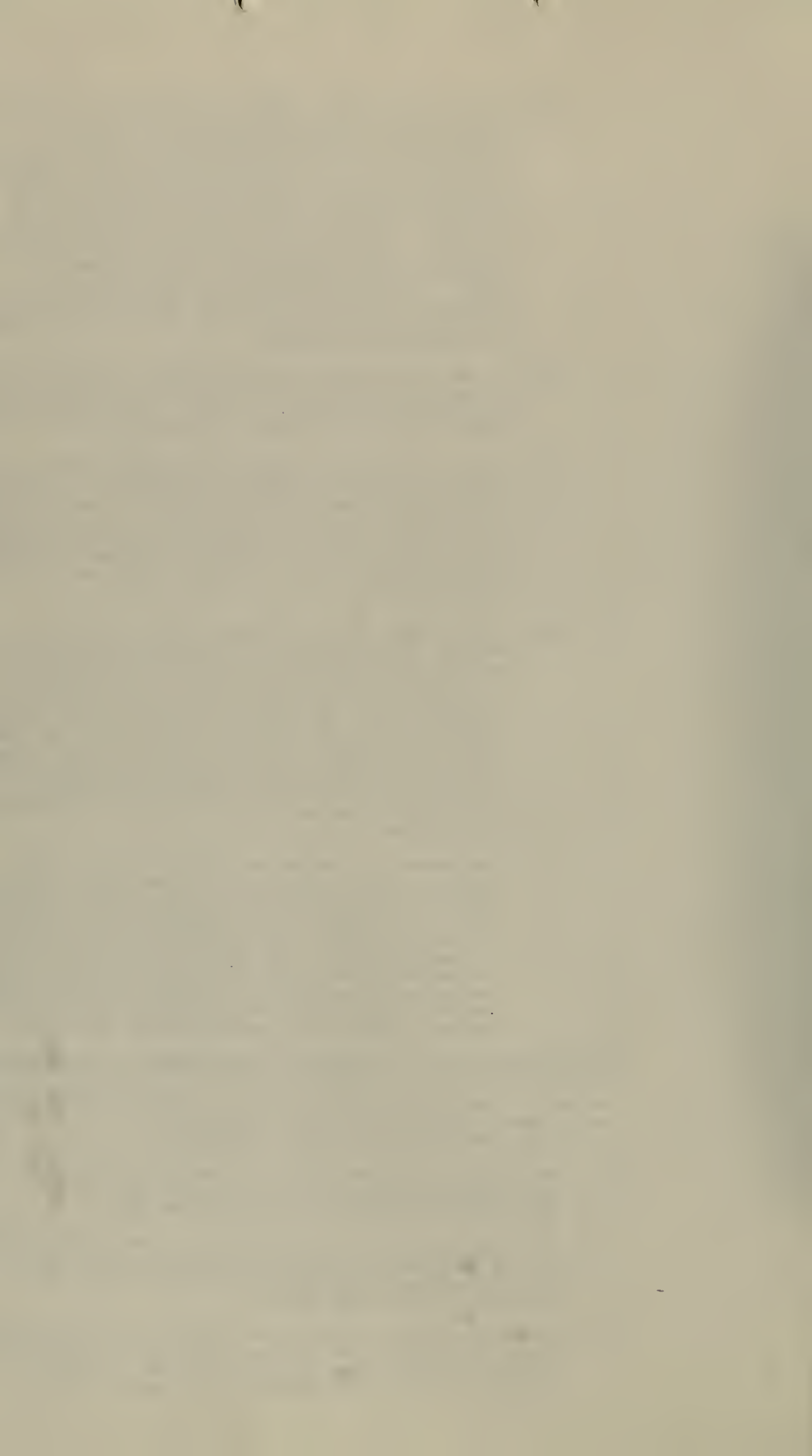
- (h) On or about July 4, 1984, at approximately 1945 hours members from the Narcotics Section of the San Francisco Police Department arrested the accused's roommate at the residence of the accused in Sausalito. After placing the accused's roommate under arrest, the officers observed on the kitchen counter several bills of United States currency. The money was seized and the officers recovered three (3) twenty dollars bills of San Francisco Police Department narcotics Section funds. The officers also received two (2) additional twenty dollar bills from the Narcotics Section funds from the roommate's purse which was on the kitchen counter;
- (i) As the accused left 165 Mississippi Street, he was arrested by members of the San Francisco Police Department for violating 11352 of the Health and Safety Code of the State of California;
- (j) Section 11352 of the Health and Safety Code of the State of California makes it unlawful for anyone to transport, import into this state, sell, furnish, administer or give away, or offer to transport, import into this state, sell, furnish, administer or give away, or offer to transport, import into this state, sell, furnish, administer, or give away cocaine;
- (k) The accused, by furnishing cocaine to another person, accepting money from another person as payment from the sale of cocaine and by proceeding to 165 Mississippi Street while on duty and in uniform to discuss the details of his furnishing cocaine to the resident of 165 Mississippi Street and to accept money from the sale of cocaine has engaged in conduct which subverts the good order, efficiency and discipline of the Department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct, triable and punishable by the Board."

SPECIFICATION NO. 2 (Dropped at the Request of Prosecution)

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in paragraphs (a) through (k) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about July 4, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding his arrest by the San Francisco Police Department;
- (c) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion;



- (d) When questioned regarding his reasons for being at 165 Mississippi Street, the accused failed to disclose to the interviewer that he went to 165 Mississippi Street for the purpose of discussing the sale of cocaine he had furnished to the resident; failed to disclose to the interviewer that he had asked the resident to provide him with a half ounce of cocaine and failed to disclose that the accused had accepted money as payment for the two and one half ounces of cocaine he had provided to the resident;

therefore be it;

RESOLVED, that The Commission finds that the allegations contained in Specification No. 1, as preferred by the Chief of Police against Officer Nickolas M. Repovich, is sustained by the evidence presented and said charges are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission orders that the following discipline be imposed:

Specification No. 1 [penalty] Termination
and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

Recesses taken during the Hearing of Officer Repovich:

4:58 p.m. to 5:04 p.m.
6:07 p.m. to 6:18 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

Commissioner Sanchez inquired as to the presence of Officer Nickolas M. Repovich and the Officer's Attorney responded that Officer Repovich was not present. Commissioner Sanchez then stated that the record should show that Officer Repovich was not present even after being ordered to be here by the Commission at his last hearing.

13 SEPTEMBER 1984

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 13, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Sanchez, Hsieh, Nelder,
ABSENT: Commissioners Toler, Daly

Commissioner Nelder presiding.

APPROVAL OF MINUTES

Approval of Minutes of the Meeting of July 26, 1984
The Commissioners having received, amended and returned
copies of same.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE
FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN
FRANCISCO

RESOLUTION NO. 992-84JOSE CALONJE

RESOLVED, that the recommendation of the City Attorney
for settlement of litigation of Jose Calonje in the sum of
\$5,837.25 in Superior Court No. 799-489 entitled "Jose
Calonje vs. City and County of San Francisco, et al" as
the result of injuries sustained, be, and the same is here-
by disapproved.

Date of Incident: January 24, 1982

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 993-84HILDA SANAME

RESOLVED, that the recommendation of the City Attorney
for settlement of the claim of Hilda Saname in the sum of
\$373.83 as the result of damages sustained, be, and the
same is hereby approved.

Date of Incident: February 15, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 994-84LEWIS R. BENNETT

RESOLVED, that the recommendation of the City Attorney
for settlement of the claim of Lewis R. Bennett in the sum
of \$100.00 as the result of damages sustained, be, and the
same is hereby approved.

Date of Incident: April 22, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 995-84CHEK TAN

RESOLVED, that the recommendation of the City Attorney
for settlement of the claim of Chek Tan in the sum of
\$53.25 as the result of a faulty tow, be, and the same is
hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

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RESOLUTION NO. 996-84

JOHN O'CONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John O'Connell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 997-84

HWAI-SUN LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hwai-Sun Lee in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 998-84

DEBORAH LANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Lane in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 999-84

ELFATH M. AHMED ALI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elfaith M. Ahmed Ali in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1000-84

ABC TOWING (L. VARELA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (L. Varela) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1001-84ABC TOWING (P. MILLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (P. Miller) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1002-84EMIL CRUGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emile Cruger in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1003-84JANICE BUTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janice Butler in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1004-84JIM TRICHAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Trichak in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1005-84ELIZABETH BACHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Bachman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Hsieh, Nelder, Sahchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1006-84WILLIAM RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Rodriguez in the sum of \$167.17 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 31, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1007-84GOVERNMENT EMPLOYEES INSURANCE CO./LEON M. CALKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Government Employees Insurance Co./Leon M. Calkins in the sum of \$123.19 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 982-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER FRANK McKEE, NORTHERN STATION AND OFFICER DONALD HENSIC, CENTRAL STATION, BE AUTHORIZED TO ATTEND THE WEAPONLESS DEFENSE INSTRUCTOR COURSE, CONDUCTED BY THE NORTHERN CALIFORNIA CRIMINAL JUSTICE TRAINING AND EDUCATION SY IN SANTA ROSA, CALIFORNIA, FROM OCTOBER 1st TO OCTOBER 1st TO OCTOBER 12, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer Frank McKee, Northern Station, be authorized to attend the Weaponless Defense Instructor Course conducted by the Northern California Criminal Justice Training and Education System in Santa Rosa, California from October 1st to October 12, 1984; and be it further

RESOLVED, that expenses in the amount of \$647.00 each for subsistence, travel and registration fees are reimbursable by P.O.S.T.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 983-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT LAWRENCE GURNETT, NORTHERN STATION, BE AUTHORIZED TO ATTEND THE FEDERAL BUREAU OF INVESTIGATION NATIONAL ACADEMY IN QUANTICO, VIRGINIA FROM SEPTEMBER 30, 1984 TO DECEMBER 14, 1984.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Lawrence Gurnett, Northern Station, be authorized to attend the Federal Bureau of Investigation National Academy in Quantico, Virginia, from September 30, 1984 to December 14, 1984; and be it further



RESOLVED, that although all travel expenses will be paid by the U.S. Department of Justice, it is requested that Lieutenant Gurnett be advanced \$800.00 from the Department Training Fund for the purchase of required training materials and to supplement the minimal allowance for subsistence.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 984-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT CRIMINOLOGIST SHOJI HORIKOSHI, CRIMINALISTICS DIVISION, BE AUTHORIZED TO ATTEND THE 12th ANNUAL SYMPOSIUM ON CRIME LABORATORY DEVELOPMENT, CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN QUANTICO, VIRGINIA FROM SEPTEMBER 24th TO SEPTEMBER 28th, 1984. SUBSISTENCE WILL BE PROVIDED BY THE FEDERAL BUREAU OF INVESTIGATION. EXPENSES IN THE AMOUNT OF \$570.00, FOR TRAVEL WILL BE DEFRAYED FROM THE DEPARTMENT TRAINING FUND.

RESOLVED, that the recommendation of the Chief of Police that Criminologist Shoji Horikoshi, be authorized to attend the 12th Annual Symposium on Crime Laboratory Development in Quantico, Virginia from September 24th to September 28, 1984; and be it further

RESOLVED, that subsistence will be provided by the Federal Bureau of Investigation. Expenses in the amount of \$579.00 for travel will be defrayed from the Department Training Fund.

AYES: Commissioners Hsieh, nelder, Sanchez
ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez advised that the Commission had met in Executive Session and no vote was taken.

CHIEF'S REPORT TO THE COMMISSION

Chief said he had no report for the Commission tonight.

RESOLUTION NO. 1227-84

POLICE COMMISSION ADOPTION OF A NEW PROGRAM ENTITLED "MY FAVORITE COP" APPROVED

WHEREAS, the San Francisco Police Commission, for several weeks, studied the proposal for the implementation of a new program entitled "My Favorite Cop"; and

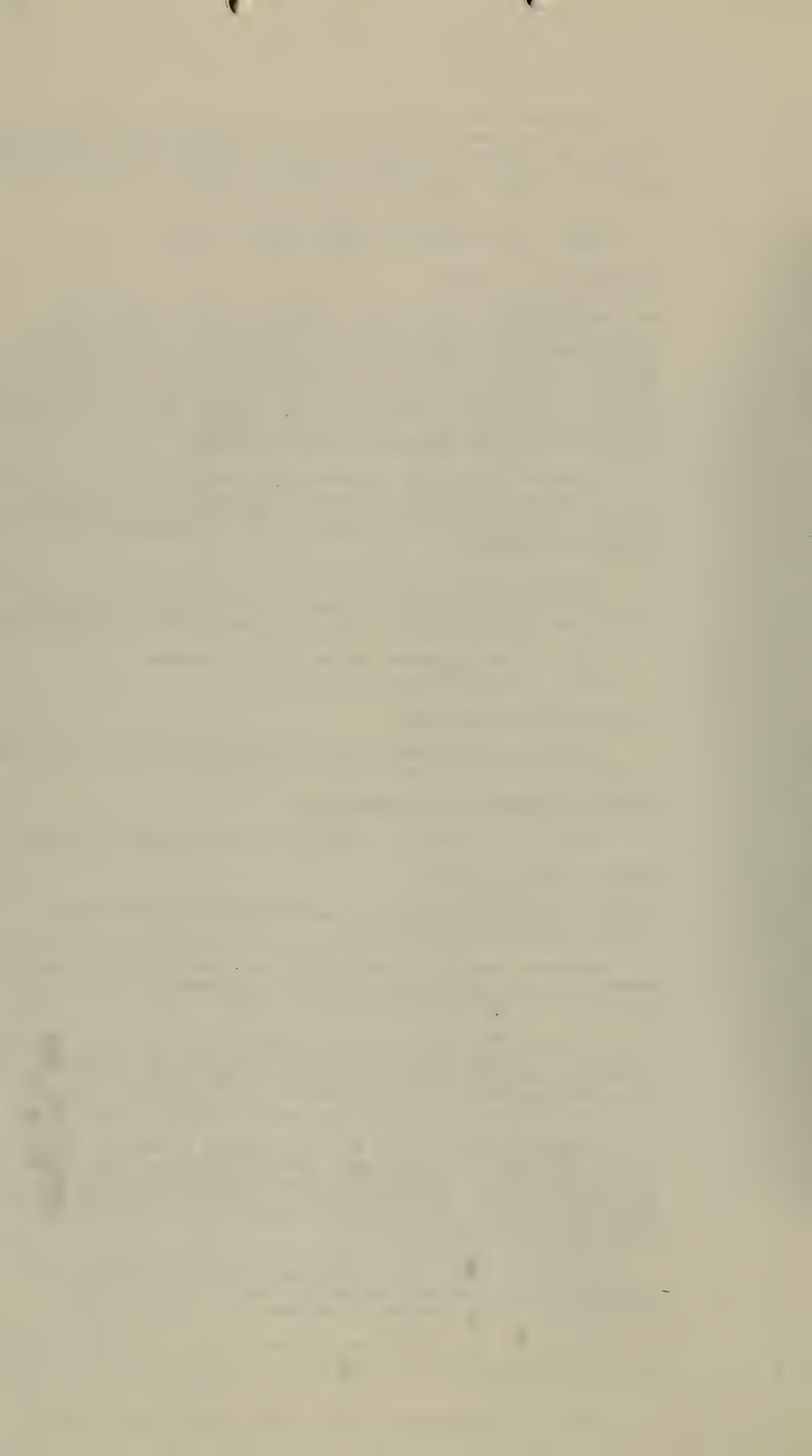
WHEREAS, "My favorite Cop" varies from other award programs in that it is not meant to recognize heroism but emphasizes recognition and reward for those members who takes that extra step, or exhibit a special kindness that makes our citizens feel that a specific officer has done something special; and

WHEREAS, TWO OFFICERS will be honored bi-monthly based upon nominations received only from citizens and will be reviewed by a three member panel, consisting of one member of the San Francisco judiciary and Mrs. Bernice Hemphill, President, Blood Research and Director Emeritus, Irwin Memorial Blood Bank; therefore be it

RESOLVED, that the Police Commission Does hereby adopt and approve the implementation of a new program entitled "My Favorite Cop" and be it further

RESOLVED, that the first "My Favorite Cop" award is scheduled to be presented at a special luncheon at the Meridian Hotel in January, 1985.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



Commissioner Hsieh said this program pertains to a project that the Commission would like to see become beneficial to police officers who perform public service in a very humane approach. He said the program will provide a special award to honor those officers and also non-sworn employees of the police department on a quarterly basis. He continued by saying the intent is to inform the public that we do have people in the Department that are humane and sensitive to the needs of the public. He said he would make a motion that the Commission and Department develop the details and at this point approve its concept and thereafter report back on the details in two weeks. Commissioner Nelder seconded the motion, and it was unanimously approved.

RESOLUTION NO. 978-84

SETTING OF DATE FOR HEARING OF OFFICER VINCENT A. CATANZARO, TACTICAL DIVISION

WHEREAS, the date set for the disciplinary hearing of Police Officer Vincent Catanzaro, Tactical Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney for Officer Catanzaro, that the date for the hearing before the Police Commission be set for December 20, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Vincent Catanzaro, Tactical Division, is set for Thursday, December 20, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 979-84

SETTING OF DATE FOR HEARING OF OFFICER HERSCHELL BRISCOE, RICHMOND STATION

WHEREAS, the date to be set for the disciplinary hearing of Officer Herschell Briscoe, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for October 11, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Herschell Briscoe, is set for Thursday, October 11, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1013

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY (D-1) SUPPORT SERVICES BUREAU/COMMUNICATIONS (FROM MEETING OF 08/23/84)

The hearing of Police Officer Kevin P. Dempsey, Support Services Bureau/Communications, was called it having been set for this date.

Police Officer Kevin Dempsey appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.



Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The following named witness was called by the Prosecution, was sworn and testified:

Officer Ernest Wilberg

After listening to testimony from the above party, the Commission then adjourned at 8:50 p.m. and the matter was continued to Thursday, November 15, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Officer Dempsey:

8:20 p.m. to 8:20 p.m.
8:43 p.m. to 8:50 p.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1014-84

HEARING OF POLICE OFFICER MARTY L. WAY, SUPPORT SERVICES BUREAU/
PROPERTY CONTROL DIVISION (FROM MEETING OF 08/23/84)

The hearing of Police Officer Marty L. Way, Support Service Bureau/Property Control Division, was called it having been set for this date.

Police Officer Marty Way appeared in person and was represented by Mr. Terrence Hallinan, Attorney at Law,

The following named witness was called by the Prosecution, was sworn and testified:

Officer Ernest Wilberg

After listening to testimony from the above party, the Commission then adjourned at 8:50 p.m. and the matter was continued to Thursday, November 15, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Officer Way:

8:20 p.m. to 8:20 p.m.
8:43 p.m. to 8:50 p.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 977-84

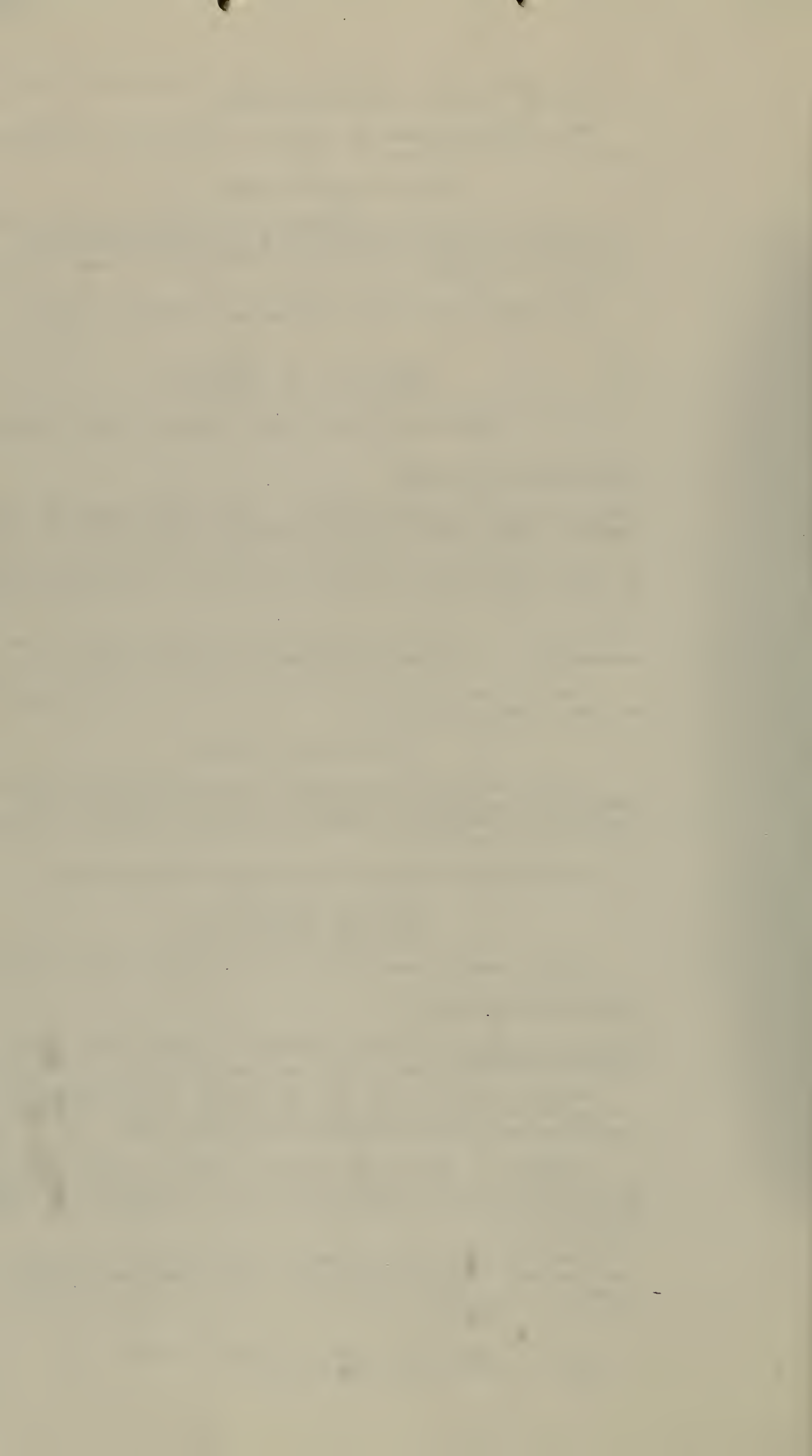
SETTING OF DATE FOR HEARING OF POLICE SERGEANT JAMES B. HALL,
TACTICAL DIVISION

WHEREAS, the date set for the hearing of the disciplinary charges filed against Sergeant James Hall, Tactical Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen B. Bley, Attorney at Law, representing Sergeant Hall, that the date for the hearing before the Police Commission be set for December 20, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant James Hall, Tactical Division, is set for Thursday, December 20, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 976-84POLICE INSPECTOR THAVIED K. RICHMOND, FRAUD DETAIL

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Thavied Richmond, Fraud Detail, as follows:

SPECIFICATION NO. 1

- Engaging in personal business while on duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Thavied K. Richmond, Fraud Detail, is set for Thursday, September 20, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

REQUEST OF THE CHIEF OF POLICE FOR THE IMMEDIATE FILLING OF ELEVEN (11) VACATED POSITIONS OF Q-60 LIEUTENANTRESOLUTION NO. 1011

WHEREAS, eleven members of the San Francisco Police Department have retired from the position of Q-60 Lieutenant of Police, and

WHEREAS, these retirements leave a severe gap in the middle management of the San Francisco Police Department, and

WHEREAS, to fill these positions before the accumulated sick leave and vacation time are paid requires a resolution of the Board of Supervisors, and

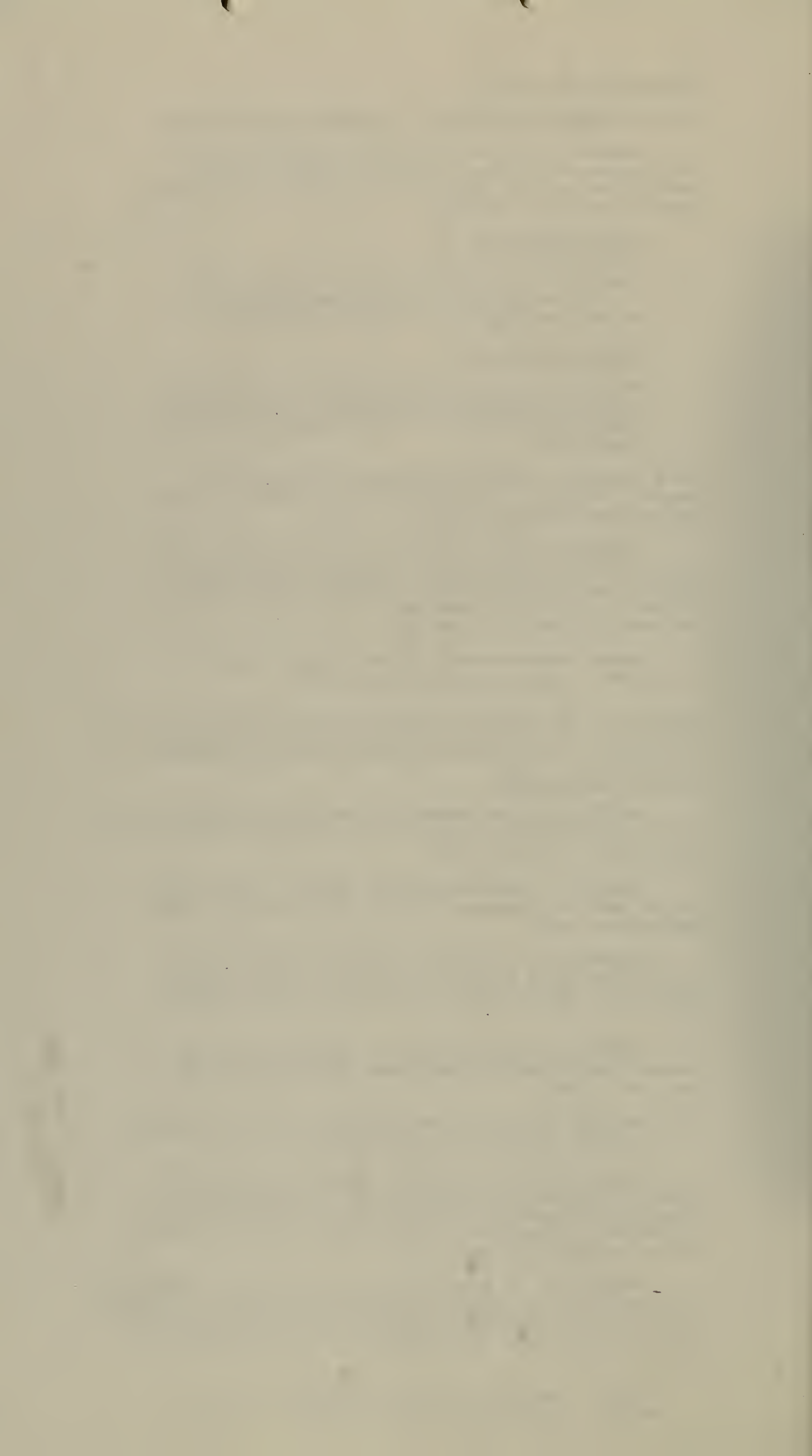
WHEREAS, this procedure is authorized by the Annual Appropriations Ordinance, Section 10, Subsection 1, and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure,

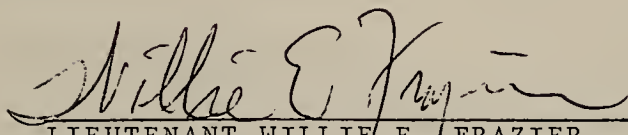
THEREFORE BE IT RESOLVED, that the Police Commission does hereby request that the Mayor and the Director of Personnel of Civil Service recommend to the Board of Supervisors the adoption of the attached eleven resolutions and

FURTHER BE IT RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached eleven resolutions authorizing the immediate filling of vacancies in the position of Q-60 Lieutenant of Police.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



THE MEETING WAS THEN ADJOURNED AT 9:00 PM



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



18 SEPTEMBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, September 18, 1984 at 1700 hours in a Special Session.

PRESENT: Commissioners Sanchez, Nelder, Hsieh

ABSENT: Commissioners Toler, Daly

HEARING OF POLICE OFFICER THOMAS J. LOVRIN, INGLESIDE STATION

The hearing of Police Officer Thomas Lovrin, Ingleside Station, was called it having been set for this date. Police Officer Thomas Lovrin, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Thomas Lovrin appeared in person and was represented by Mr. Joseph O'Sullivan, Attorney at Law, who was assisted in the representation by Mr. Jeff Soo.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash, for the Prosecution.

An opening statement was made by Mr. Joseph O'Sullivan, for the Defense.

The following named witnesses were called by the Prosecution, were sworn and testified:

Officer Jean Centurioni	Central Police Station
Officer Gabriel Gallaread	Northern Police Station
Officer Martin Kilgariff	Ingleside Police Station
Officer Michael Caplan	Potrero Police Station

The following named witnesses were called by the Defense, were sworn and testified:

Mr. Richard McKevitt	34 Greenwood Drive/SF
Sgt./Insp. William Kidd	General Works Detail

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Interview of Officer Thomas Lovrin, 05/03/84, @1328 hours
Exhibit #2	Interview of Officer Thomas Lovrin, on 05/10/84, @1150 hours

The following exhibits were entered into evidence by the Defense:

Exhibit A	Interview of Officer Thomas Lovrin, 05/03/84, @1328
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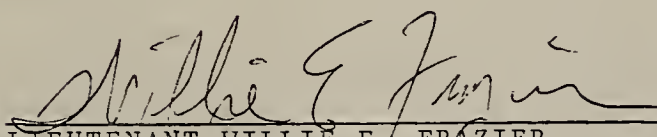
- Exhibit B Letter from Attorney Joseph O'Sullivan to Mr. Richard McKevitt, dated 06/27/84 regarding Polygraph Examination of Officer Thomas Lovrin, (Exam scheduled for 1800 hours on 06/27/84)
- Exhibit C Letter from Mr. Richard McKevitt regarding Polygraph Examination given on 06/27/84. (Date of Letter, 06/28/84]

After listening to testimony from the above parties, The Commission then adjourned at 8:55 p.m. and the matter was continued to Tuesday, September 25, 1984 in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR].

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

THE MEETING WAS THEN ADJOURNED AT 8:55 PM



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

20 SEPTEMBER 1984

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 20, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

APPROVAL OF MINUTES

Approval of Minutes of the meeting of August 2, 1984. The Commissioners having received, amended and returned copies of the same.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 1023-84

VAN A. THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Van A. Thompson in the sum of \$950.00 in Superior Court No. 786-391 entitled "Van A. Thompson v. City and County of San Francisco, a Chartered City; Christopher Olocco; Does I through XX, inclusive", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1024-84

CATHY FONG

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Cathy Fong in the sum of \$500.00 in Superior Court No. 818-911 entitled "Cathy Fong v. City and County of San Francisco, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 26, 1983

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1025-84

MILTON J. DeROUEN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Milton J. DeRouen in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1983

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1026-84

ABC TOWING (J.C. LUCAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (J.C. Lucas) in the sum of \$64.75 as the result of a faulty tow, be, and the same

is hereby approved.

Date of Incident: August 5, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1027-84

ABC TOWING (DEBORAH MOLINA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Deborah Molina) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1983

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1028-84

ABC TOWING (D. OWENS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (D. Owens) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1029-84

ROSAMOND BASSETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosamond Bassett in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1030-84

TRENT R. DUNPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Trent R. Dunphy in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1031-84

DENNIS EISENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Eisenberg in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1032-84R.W. ELLINTHORPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of R.W. Ellinthorpe in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: August 10, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1033-84CAROL ELLISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Ellison in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1034-84JOSEPH GIORDANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Giordano in the sum of \$80.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1035-84EVIE HAUSSKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evie Hausske in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1036-84A.J. HOLMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evie Hausske in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1037-84WILLIAM LINDSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Lindsey in the sum of \$110.75 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: May 29, 1984



14
AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1038-84

RICHARD MAPEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Mapel in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1039-84

CINDY LEEANN WOJTOWICZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cindy Leeann Wojtowicz in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1040-84

ABC TOWING (B. HERWITZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (B. Herwitz) in the sum of \$84.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1041-84

DEBRA A. NEWMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra A. Newman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1042-84

ANGELA OLIVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Oliva in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh



RESOLUTION NO. 1043-84JEFFERY CHINN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffery Chinn in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1044-84SANDRA HUEZO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Huezo in the sum of \$60.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1045-84JOHN G. O'CONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John G. O'Connell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1046-84MARGARET RUEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret Rueger in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1047-84SIMON WILLIAMS

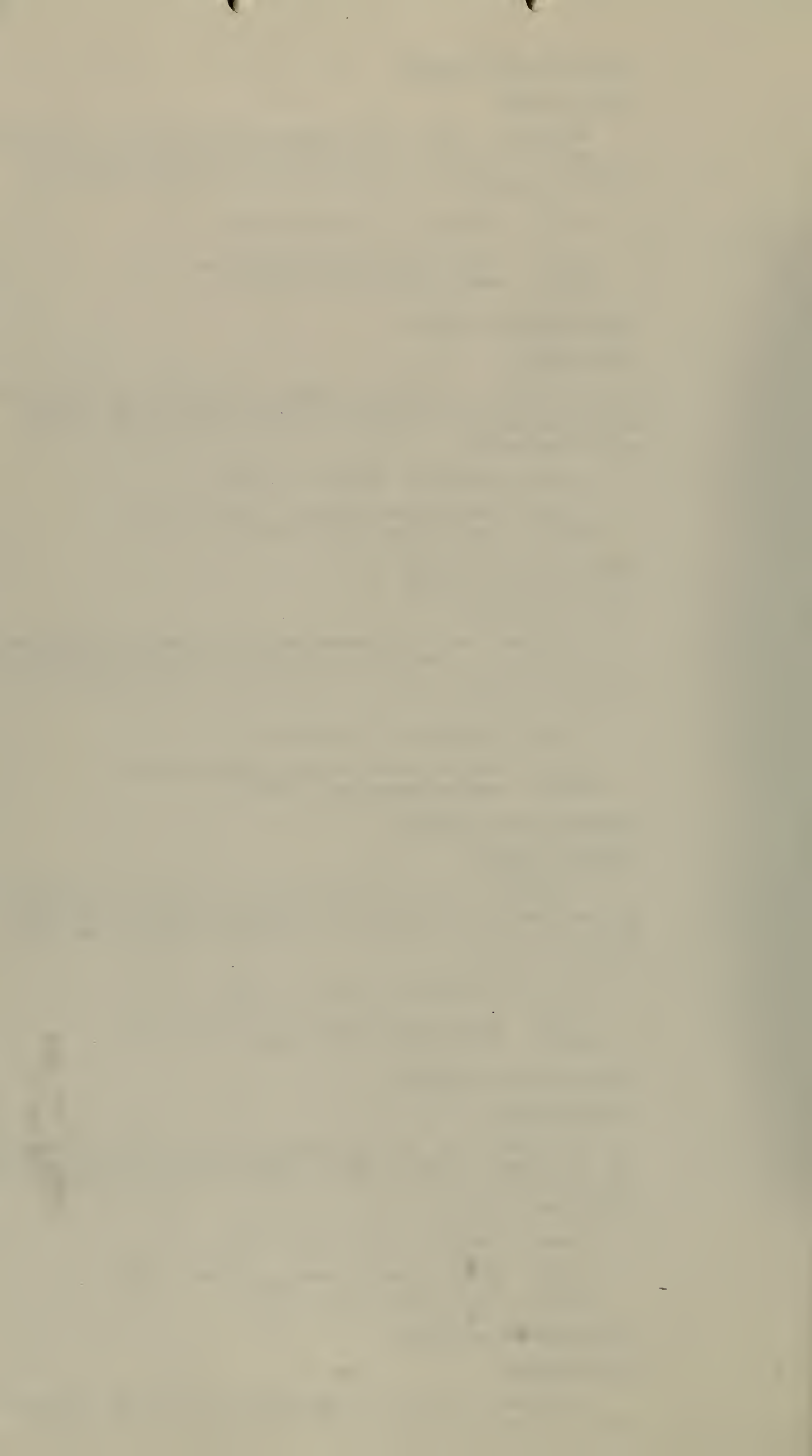
RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Simon Williams in the sum of \$76.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Sanchez, Nelder, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 1048-84FERN GRODNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fern Grodner in the sum of



\$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1984

AYES: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Executive Session this afternoon pertaining the Attorney Client matters and no vote was taken. He said however the Commission will be requesting the Director of the OCC be calendared for the Commission's next Thursday's meeting to present his reports and issues to be discussed.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy advised the Commission yesterday 49 new permanent Lieutenants were appointed. He said this middle management rank is where the department was suffering interminally. These appointments, He said, should alleviate the problem.

Commissioner Sanchez said he also wanted to comment on the appointment of the new 49 Lieutenants and that he happened to be there with the officers and their families along with the Mayor and Deputy Chiefs. He said when you think that it has taken 12 years to have a final list it is amazing. He said he knows that the Lieutenants feel they have the full confidence of the Commission and the Department. He also said the challenges of Law Enforcement are very complex and the Commission feels that the Lieutenants are all up to it and can demonstrate and provide the leadership and supervision necessary to ensure that the quality of law enforcement in this city is in fact the standard of the San Francisco Police Department. He then congratulated the Chief and his staff for their insight in providing the training sessions for the Lieutenants commencing shortly to ensure that their attitudes and skills are in fact not only re-enforced by part of the ongoing training dealing with supervision and accountability. At this time Commissioner Sanchez acknowledged a request to speak from Crown Prince Arcadia. Mr. Arcadia pointed out what he felt were things that needed to be done to improve the Police Commission and the Police Department and thereafter thanked the Commission for listening to him.

REQUEST OF PATROL SPECIAL OFFICER JOHN J. CANDIDO TO ANNEX PATROL SPECIAL BEATS 31 AND 47 FROM PATROL SPECIAL OFFICER SERGE A. LOUKIANOFF AS PER AGREEMENT AND CONTRACT BETWEEN OFFICERS CANDIDO AND LOUKIANOFF.

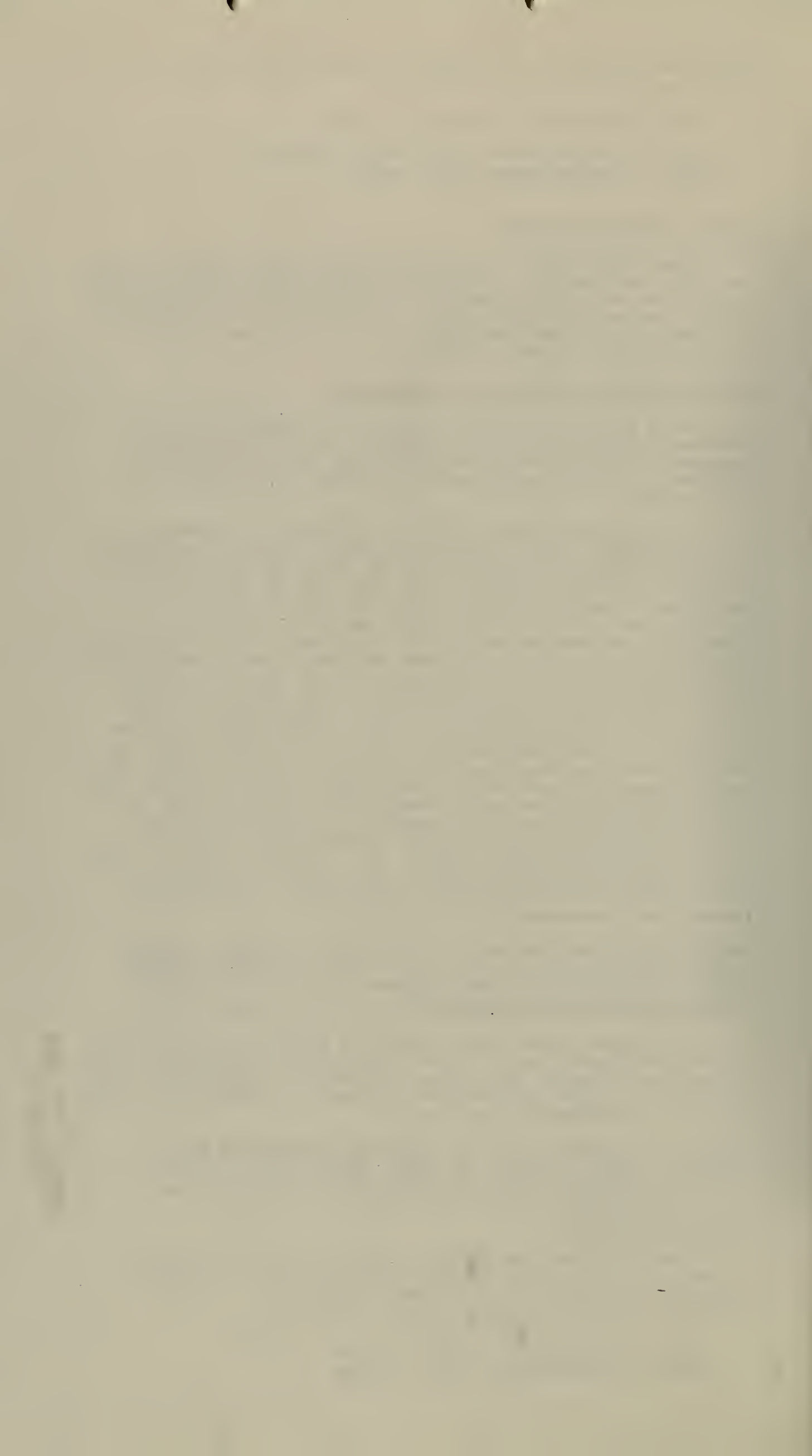
Mr. Michael Gash representing the Department requested a 1 week Continuance as the Legal Office had not received all of the documents needed to process the matter. Commissioner Toler moved for a 1 week continuance, seconded by Commissioner Nelder and it was unanimously approved.

REQUEST OF INSPECTOR GARY P. JIMINEZ, TO ACCEPT A GIFT FROM THE CHINA BAZAAR OF 667 GRANT AVENUE, SAN FRANCISCO, OF A SMALL CHINESE STATUE (VALUED AT \$40.00).

RESOLUTION 1020-84

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes Gary P. Jiminez to accept the gift of one (1) Small Statue of a Foo Dog on top of a ball of fire, (valued at \$40.00).

AYES: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh



SETTING OF DATE FOR HEARING OF OFFICER DAVID RIOS, CENTRAL STATION

RESOLUTION NO. 1017-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer David Rios, Central Station was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for October 11, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer David Rios, Central Station, is set for Thursday, October 11, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR THAVIED K. RICHMOND, FRAUD DETAIN

WHEREAS, the date to be set for the disciplinary hearing of Police Inspector Thavied K. Richmond, Fraud Detail, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the hearing before

RESOLVED, that the hearing of the disciplinary charges filed against Police Inspector Thavied K. Richmond, Fraud Detail, is set for Thursday, January 3, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

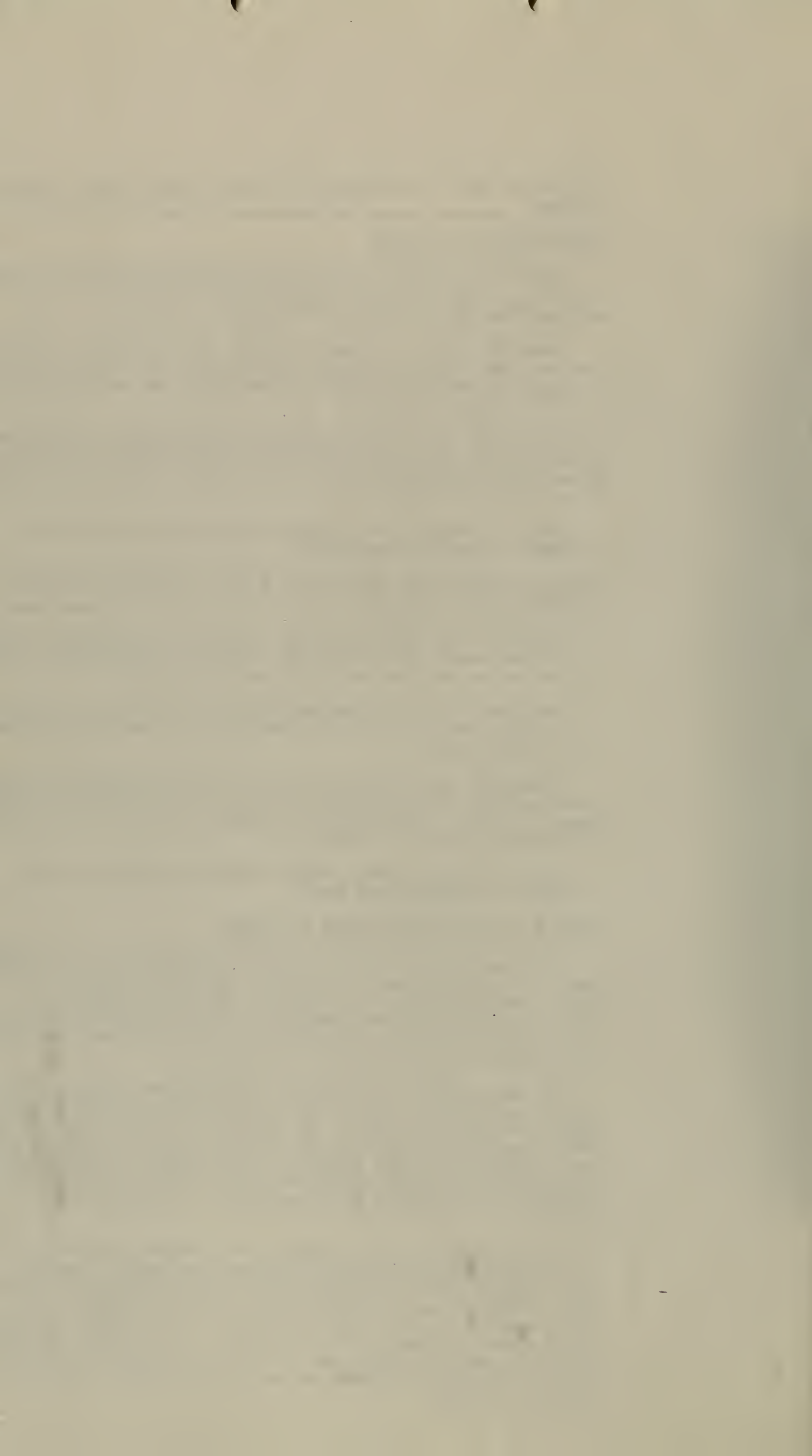
AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

HEARING OF OFFICER NICANOR E. GUERRA

Officer Guerra who was present said that he had submitted a letter from his attorney Mr. William Bierne whom he hired just yesterday to represent him in his defense. The letter advised the Commission that Mr. Bierne would not be able to commence Officer Guerra's defense this date and listed dates he would be available.

It was noted that this was a suspension case and Chief Murphy said that Officer Guerra had had two and one half months to obtain counsel. He said for him to obtain counsel a day before the hearing and come before the Commission the following day and request a continuance is ludicrous. He said he recommends that the case proceed with the case tonight as he had his witnesses ready to come forth and testify.

Officer Guerra in responding to Commissioner Nelder's question as to why he waited so long to obtain counsel, said that for the last two months he had had great financial difficulties. He said he has filed bankruptcy, he has a wife and three kids he is trying to support and he has not had any money to do anything. He said he is also facing criminal charges and has requested representation from the Public Defender, as he can not afford to pay a private attorney.



The Commission thereafter took a two minute recess and when they returned Commissioner Sanchez said to Officer Guerra that the Commission has reviewed the letter sent by his attorney and also reviewed the discussion of counsel with the Secretary of the Police Commission which occurred this afternoon. He said at this point the Commission has decided it will schedule the hearing in this matter for October 18, at which time the Commission will proceed with or without Officer Guerra's attorney. He said the charges are very serious and the under the Rules and Procedures for an administrative hearing, Officers are given the option of having counsel. He said in this case, for whatever reason, as stated in the letter submitted, and in trying to abide with the Officer's request, places the Commission calendar and administrative hearings of this department in chaos as has been previously stated because there are many many hearings on serious matters that are scheduled and the Commission will proceed with these hearings as objectively as it can to inspire that justice is in fact served. He said at the same time the Commission is going to request that the Department be informed by at least a minimum of 1 week pertaining to possible scheduling and/or request for attorneys as the Commission will continue to clean-up these matters on the calendar. He said the Commission shares the Chief's frustration in this area and at the same time have discussed and reviewed the matter in the context of this individual officer, however, he said, they did not want instances of this nature re-occurring. He continued by saying process should be developed whereby when an officer is given the suspension notice and/or whatever, he should be given a minimum date with which he has to comply, otherwise, the Commission, no matter what the circumstances, are going to proceed. He said he felt this is the only way that the Commission will be able to alleviate this backlog of hearings problem. Mr. Jerry Akins, counsel for the Department indicated that his main witness an Officer Smith from the CHP would not be able to attend the hearing on October 18. He suggested that it be moved to November 1, 1984. Chief Murphy said he would agree provided the Officer submits a leave request extending the date to that time. Officer Guerra agreed and the Commission voted to hold the Hearing on November 1, 1984.

RESOLUTION NO. 1016-84

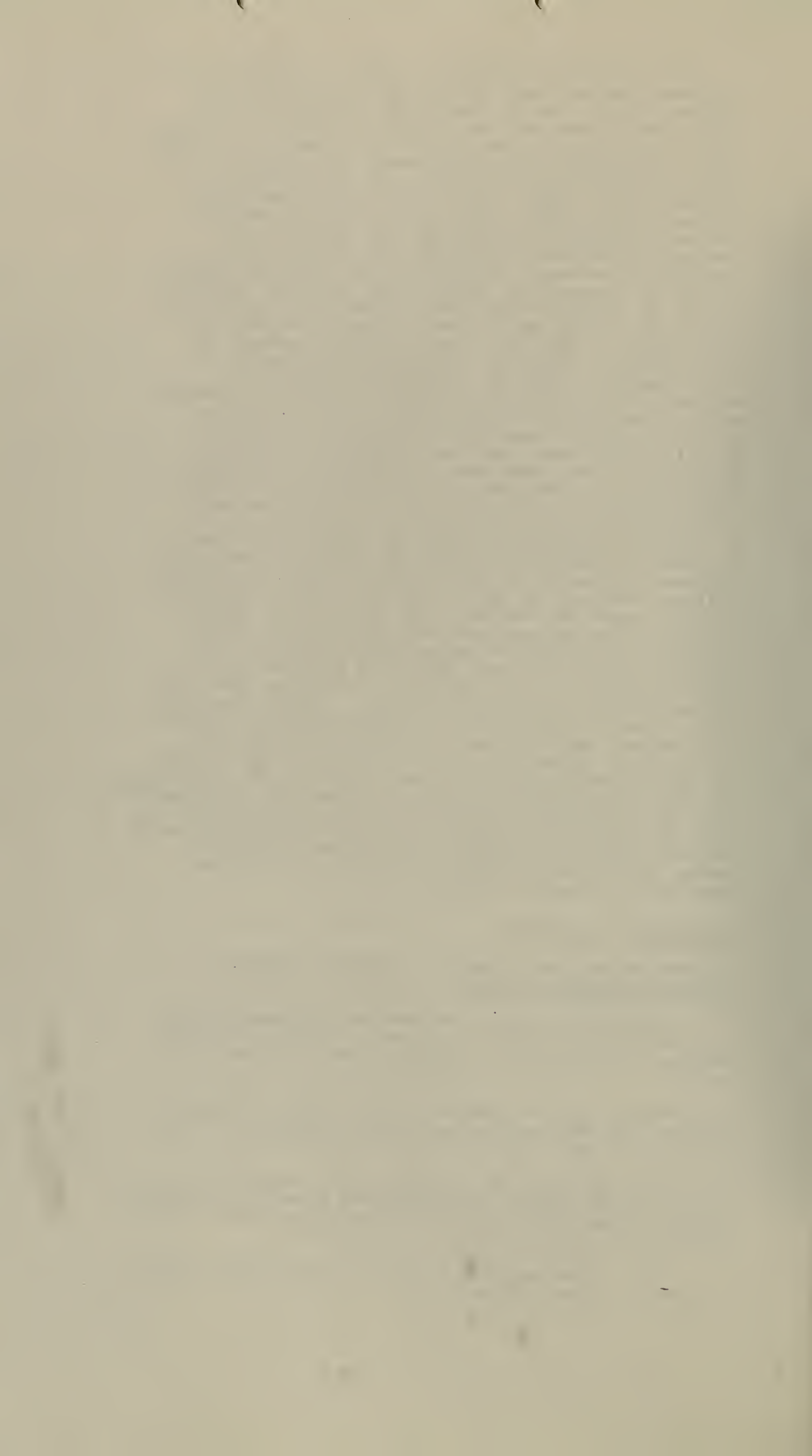
SETTING OF DATE FOR HEARING OF OFFICER NICANOR E. GUERRA, RICHMOND STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Nicanor E. Guerra, Richmond Station, was called it having been set for this date; and

WHEREAS, it was ordered by the Police Commission that the case be heard no later than November 1, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Nicanor E. Guerra, Richmond Station, is set for Thursday, November 1, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Sanchez, Hsieh, Nelder, Toler
ABSENT: Commissioner Daly



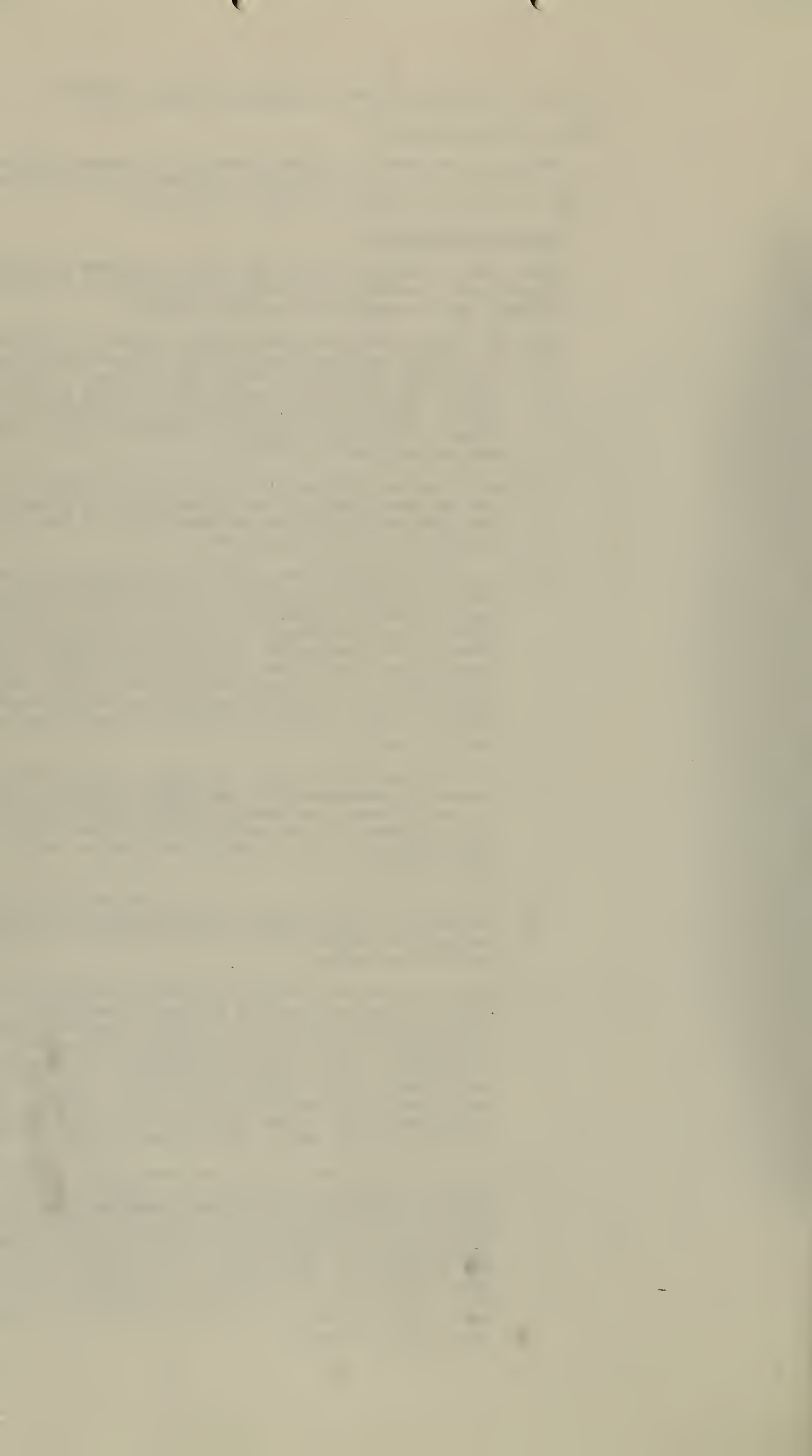
DECISION - OFFICER THOMAS J. LOVRIN, TARAVAL STATIONRESOLUTION NO. 1012-84

WHEREAS, on June 21, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Thomas J. Lovrin, Taraval Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Thomas J. Lovrin, Star 2235, was and is a police officer employed by the San Francisco Police Department. Officer Lovrin was and is a member of the 156th Recruit Class. Officer Lovrin is currently assigned to Company I - Taraval Station, however he was suspended on June 21, 1984;
- (b) As a police officer, Officer Lovrin (hereinafter, the accused) was and is responsible for knowing and obeying the Rules and Procedures of the San Francisco Police Department;
- (c) On or about April 26, 1984, at approximately 1800 hours, a party commenced at the Rathskeller Restaurant and Bar ("Rathskeller"), located at 600 Turk Street, in San Francisco, for the purpose of celebrating the completion of the Field Training Program by members of the 156th Recruit Class. In attendance at this party during the evening were members of the 156th Recruit Class, Field Training Officers and Sergeants, spouses, friends and the general public;
- (d) At or about 2030 hours, the accused and Officer Edward H. Ruppenstein, Star 2135, solicited and collected money for entertainment from persons in attendance at the party. The accused informed the contributors that the entertainment would be a stripper;
- (e) At or about 2100 hours, the accused and Officer Ruppenstein approached a recruit officer at the bar and purchased two shots of whiskey for the recruit to drink;
- (f) After the recruit officer finished consuming the alcohol, the accused and Officer Ruppenstein accompanied him to the rest room, however, neither the accused, nor Officer Ruppenstein used the facilities. The accused and Officer Ruppenstein then escorted the recruit officer to a group of individuals who escorted the recruit officer to the stage where he was handcuffed to a chair and a female orally copulated the handcuffed recruit
- * (g) By soliciting and collecting money for entertainment from persons at the party, *for the purpose of the* *the accused has engaged in conduct* which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:



"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about May 4, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;
- (c) On or about May 10, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;
- (d) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion prior to both interviews;
- (e) When questioned regarding this incident on May 4, 1984, the accused failed to disclose to the interviewer that he was with the recruit officer, who was handcuffed to a chair on the stage and orally copulated, just prior to the recruit being escorted to the stage, failed to disclose that he had told contributors that the money collected for entertainment was for a stripper, and failed to disclose that he had followed the recruit officer into the rest room just prior to the incident and escorted the recruit to the stage. The accused was also evasive in his answers regarding his solicitation and collection of money from at least ten individuals for entertainment for the party, evasive in his answers as to what happened to the container of money after he finished soliciting money and evasive in his answers regarding the name of the person who asked him to solicit funds;
- (f) When questioned regarding this incident on May 10, 1984, the accused was evasive in his answers regarding his role in soliciting and collecting money for entertainment at the Rathskeller party;



(g) By failing to answer questions asked by a superior officer truthfully and without evasion as set forth in paragraphs (e) and (f) above, the accused has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

therefore be it;

RESOLVED, that The Commission finds that the allegations contained in the amended charges of Specification No.1 (a) through (d), as preferred by The Chief of Police against Officer Thomas Lovrin, are sustained by the evidence presented and said charges are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [Penalty] 90 calendar days
Specification No. 2 [Penalty] Not Guilty

and be it further;

RESOLVED, that said suspension of 90 calendar days, with credit for time already served shall have commenced from Thursday, June 21, 1984, and ended Tuesday, September 18, 1984.

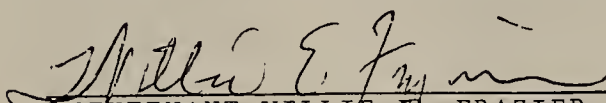
AYES: Commissioners Sanchez, Nelder, Hsieh
ABSENT: Commissioners Daly, Toler

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

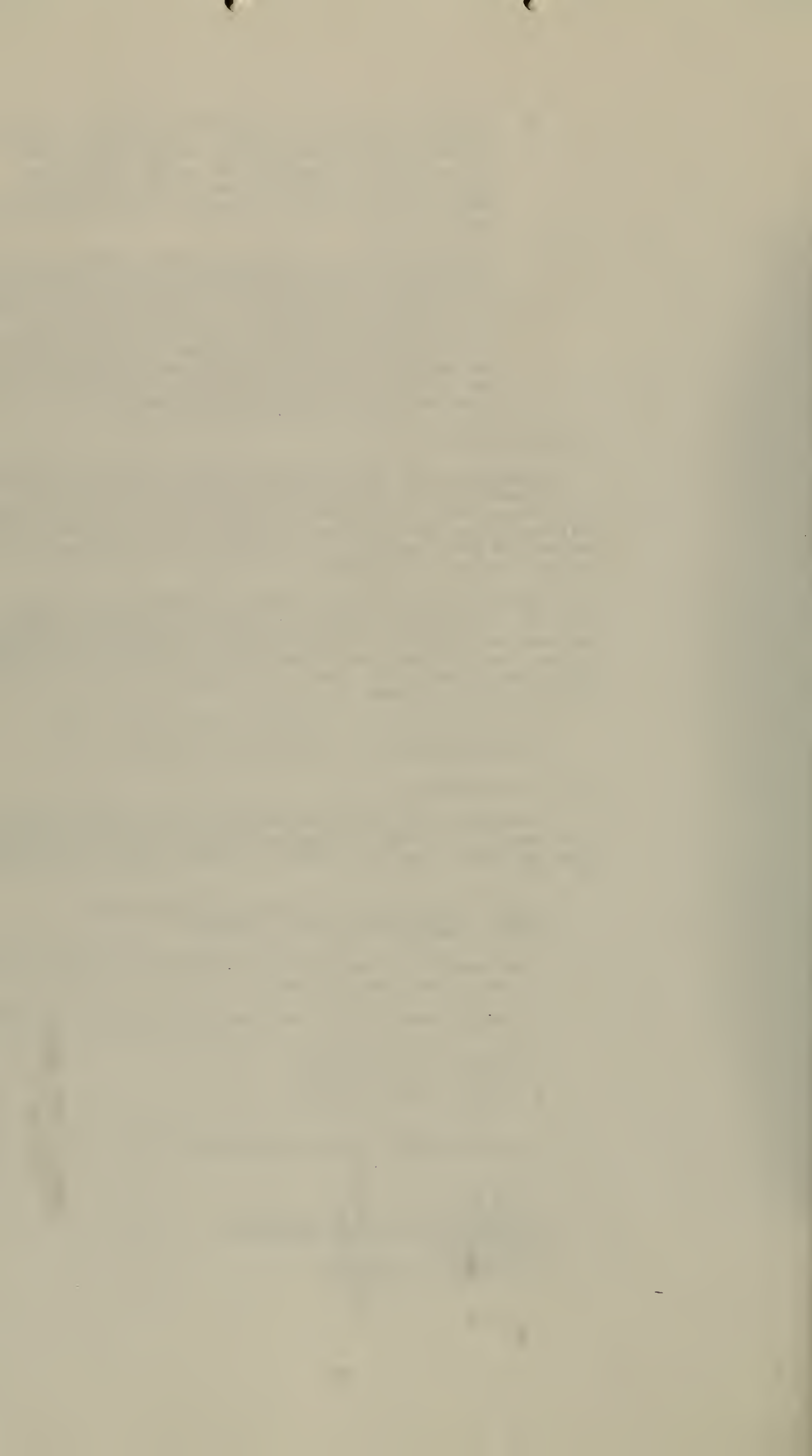
Recesses taken during the Hearing of Officer Lovrin:

7:25 p.m. to 7:53 p.m.
8:11 p.m. to 8:40 p.m.
8:47 p.m. to 8:55 p.m.

THE MEETING WAS THEN ADJOURNED AT 9P.M.



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



25 SEPTEMBER 1984

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, September 25, 1984 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Sanchez, Nelder, Hsieh
ABSENT: Commissioners Toler, Daly

1. Commissioner Nelder presiding.

HEARING OF POLICE OFFICER THOMAS J. LOVRIN, TARAVAL STATION

The Hearing of Police Officer Thomas Lovrin, Tarava Station was called it having been set for this date. Police Officer Thomas Lovrin was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Thomas Lovrin appeared in person and was represented by Mr. Joseph O'Sullivan, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The Charges against Police Officer Thomas Lovrin, were then read into the record.

The following named witnesses appeared for the Defense, were sworn and testified:

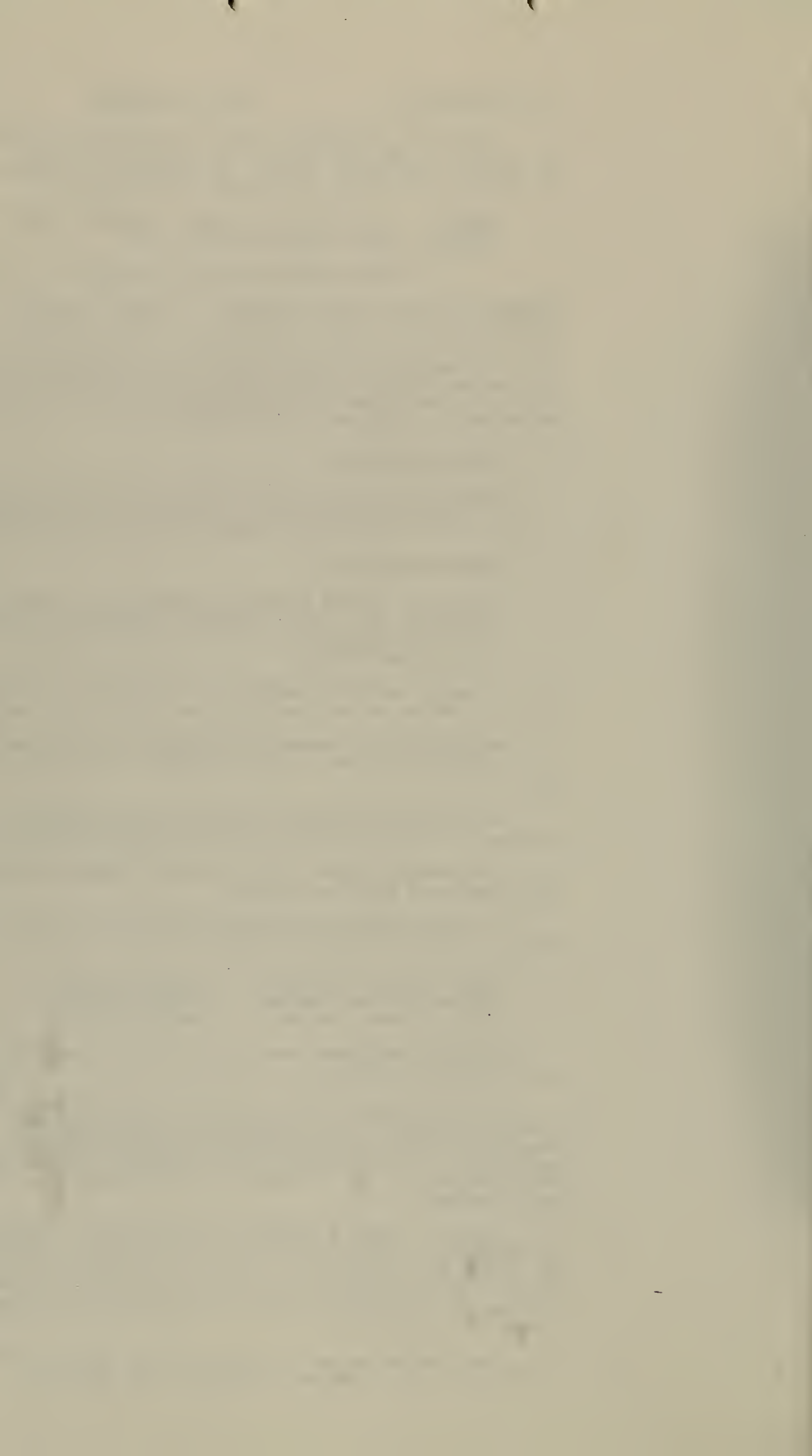
Officer Peter McLaughlin	Taraval Station
Officer William Canning	Central Station
Officer Thomas Lovrin	Taraval Station

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Officer Thomas Lovrin is guilty of the charges in Specification No. 1 upthrough (d), sub-section (g) is amended, and (e) & (f) are eliminated. The charges in Specification No. 2 are not sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Thomas Lovrin be suspended for 90 days for the charges in Specification No. 1, and that he be given credit for time served.

The Commission again took the matter under submission and the following resolution was adopted:



[illegible]



conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

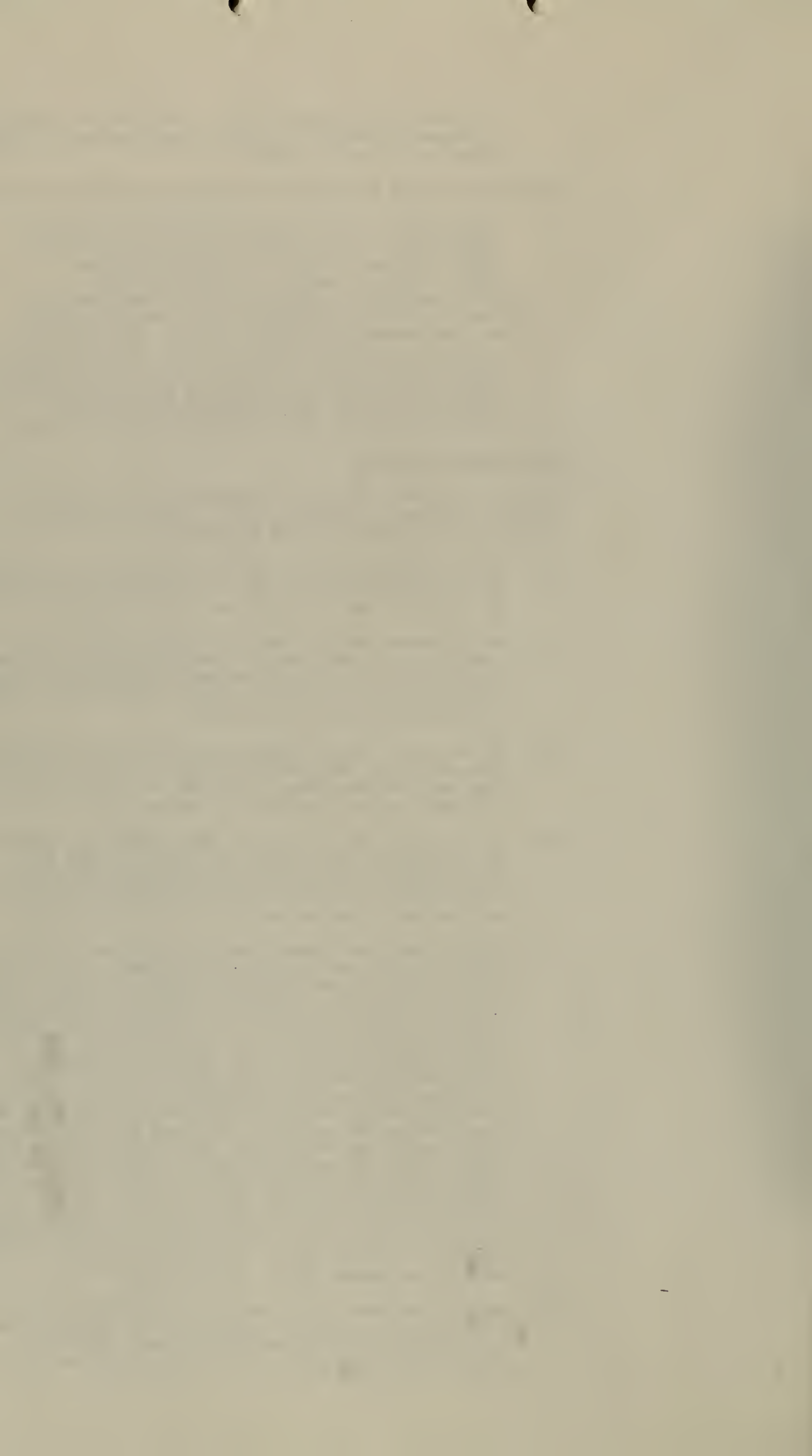
(*Deleted during Deliberation of The Police Commission.)

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about May 4, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;
- (c) On or about May 10, 1984, the accused was reinterviewed by the Management Control Division regarding the incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;
- (d) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion prior to both interviews;
- (e) When questioned regarding this incident on May 4, 1984, the accused failed to disclose to the interviewer that he was with the recruit officer, who was handcuffed to a chair on the stage and orally copulated, just prior to the recruit being escorted to the stage, failed to disclose that he had told contributors that the money collected for entertainment was for a stripper, and failed to disclose that he had followed the recruit officer into the rest room just prior to the incident and escorted the recruit to the group which escorted the recruit to the stage. The accused was also evasive in his answers regarding his solicitation and collection of money from at least ten individuals for entertainment for the party, evasive in his answers as to what happened to the container of money after he finished soliciting money and evasive in his answers regarding the name of the person who asked him to solicit funds;
- (f) When questioned regarding this incident on May 10, 1984, the accused was evasive in his answers regarding his role in soliciting and collecting money for entertainment at the Rathskeller party;



- (g) By failing to answer questions asked by a superior officer truthfully and without evasion as set forth in paragraphs (e) and (f) above, the accused has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised and afforded all his/her civil and employee rights as provided at the time by law or contractual agreement."

therefore be it;

RESOLVED, that The Commission finds that the allegations contained in the amended charges of Specification No. 1, (a) through (d), as preferred by the Chief of Police against Police Officer Thomas Lovrin, are sustained by the evidence presented and said charges are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty] 90 calendar days
Specification No. 2 [penalty] Not Guilty

and be it further;

RESOLVED, that said suspension of 90 calendar days, with credit for time already served shall have commenced from Thursday, June 21, 1984, and ended Tuesday, September 18, 1984.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

Recesses taken during the Hearing of Officer Lovrin:

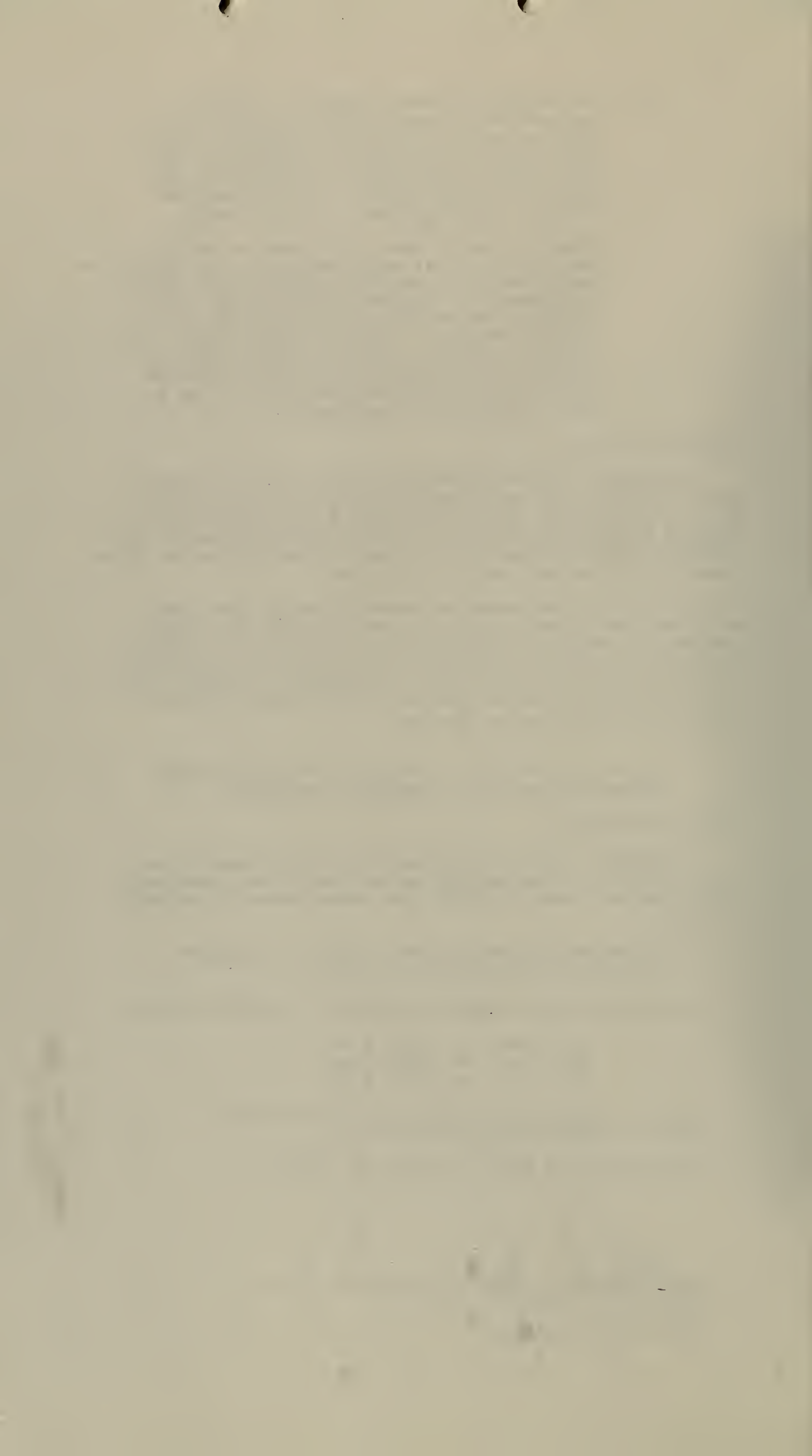
7:25 p.m. to 7:53 p.m.
8:11 p.m. to 8:40 p.m.
8:47 p.m. to 8:55 p.m.

AYES: Commissioners Sanchez, Nelder, Hsieh
ABSENT: Commissioners Toler, Daly

THE MEETING WAS THEN ADJOURNED AT 9:00 P.M.



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



27 SEPTEMBER 1984CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, September 27, 1984 at 1700 hours in a Closed Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez
Commissioner Sanchez presiding.

27 SEPTEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, September 27, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez
Commissioner Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF AUGUST 9, 1984SETTING OF DATE FOR HEARING OF POLICE OFFICER FREDERICK D. KILMER - MISSION STATIONRESOLUTION NO. 1050-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Frederick Kilmer, Mission Station was called it having been set for this date; and

WHEREAS, it was requested by Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for October 25, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Frederick Kilmer, Mission Station, is set for Thursday, October 25, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF PATROL SPECIAL OFFICER RALPH LACEY, CENTRAL POLICE DISTRICTRESOLUTION NO. 1051-84

WHEREAS, the hearing of Patrol Special Officer Ralph C. Lacey, Central Police District, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney at Law representing the San Francisco Police Department, that the matter be continued to January 10, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Ralph C. Lacey, Central Police District, is continued to Thursday, January 10, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



POLICE OFFICER NICANOR GUERRA

At this time Commissioner Sanchez, upon the request of Attorney William T. Beirne, gave Mr. Beirne permission to speak on a matter that was on last week's agenda. Mr. Beirne said that unfortunately he wasn't able to be present last week for the setting of the date of his client, Officer Nicanor Guerra's hearing. He said at this time he was down in Los Angeles. He said he would request a continuance of the Hearing on this matter which is currently set for November 1, 1984. He said the reason for this request is that on this date he would be in Los Angeles once again involved in a trial. He continued by saying that Officer Guerra did not have the wherewithall to retain counsel to appear on his behalf before this Commission. He said an arrangement has been worked out where he (Mr. Beirne) would be representing him. He said in regard to his indigency the Public Defender's Office has made an investigation to his findings and found that representation is in fact true. He said based upon this representation and the conflicting date already set he would request that The Commission re-schedule his client's hearing for sometime in December 1984.

Attorney Jerry Akins, representing the San Francisco Police Department, responded by saying that Officer Guerra had been on suspension since July 3, 1984 and he felt that the hearing on this matter should proceed as quickly as possible.

Chief Murphy said he agreed that it should proceed as soon as possible. He said Officer Guerra has had ample time to obtain counsel and failed to do so. He said he appeared at the last Commission Meeting without counsel and here we are again.

After further discussion, Commissioner Thomas Hsieh said he would move that the matter be set for October 9, 1984 at 1000 hours. It was seconded and unanimously approved.

REQUEST OF PATROL SPECIAL OFFICER JOHN J. CANDIDO TO ANNEX
PATROL SPECIAL BEATS 31 AND 47 FROM PATROL SPECIAL OFFICER
SERGE A. LOUKIANOFF AS PER AGREEMENT AND CONTRACT BETWEEN
OFFICERS CANDIDO AND LOUKIANOFF

Attorney Michael E. Gash, representing the San Francisco Police Department, said he had been in contact with the attorneys of both the Patrol Special Officers and they would each like to provide the Department with additional materials. Mr. Gash requested at this time that this item be taken off-calendar until the materials are provided as stated. The matter was then taken off calendar.

APPROVAL OF CONSENT CALENDAR

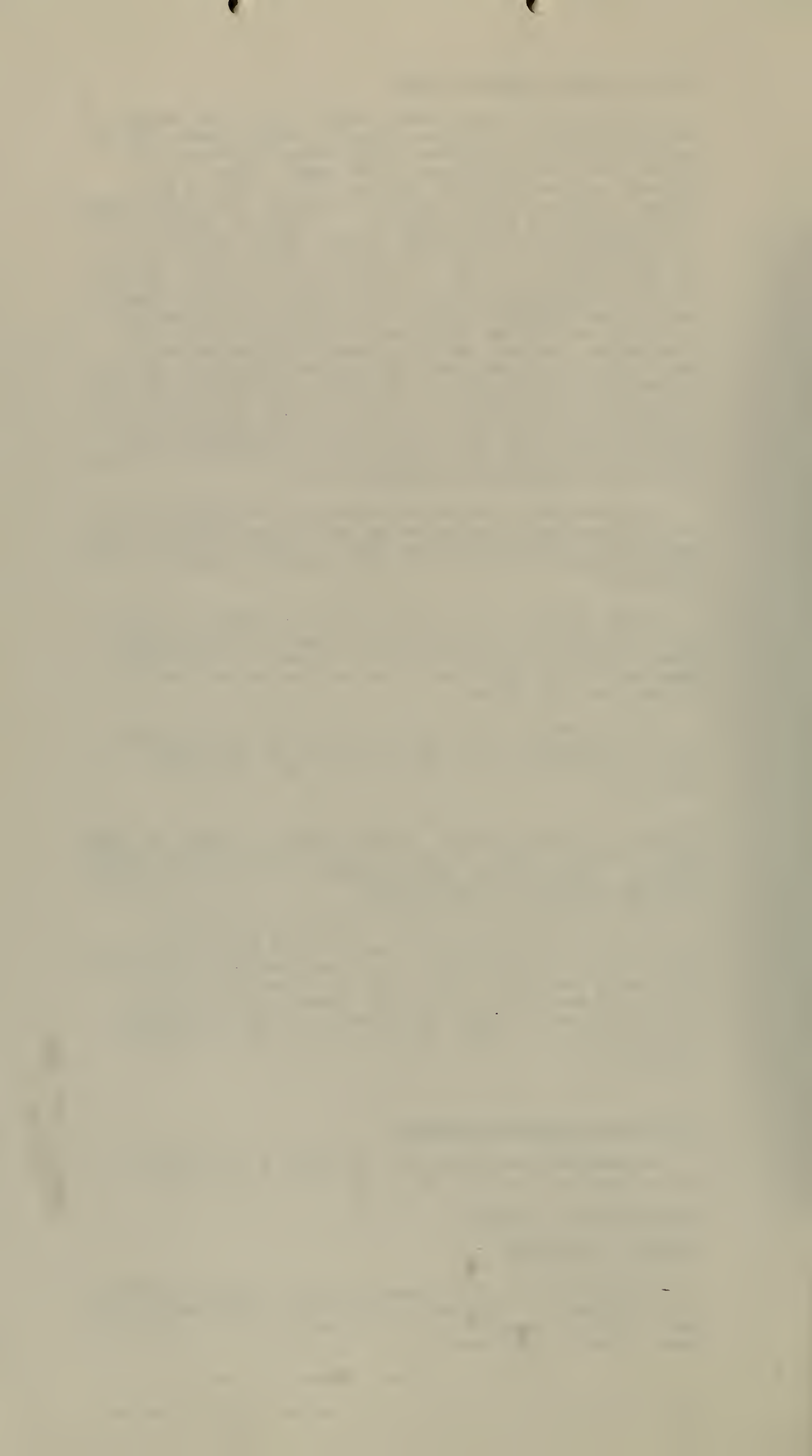
Recommendation of the City Attorney for settlement of claims against the City and County of San Francisco:

RESOLUTION NO. 1058-84GEORGE L. ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George L. Anderson in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1059-84BARBARA BESSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Besser in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident; July 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1060-84WILLIAM C. BRADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William C. Brady in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1061-84LIPPMAN CHOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lippman Choy in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1062-84VICTOR A. CROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor A. Cross in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1063-84DEBORAH ANN HIGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Ann Higer in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1064-84

VARANT KASPARIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Varant Kasparian in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1065-84

EDNA M. MEDINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edna Medina in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1066-84

WENDY MELB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy Melb in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1067-84

ELIZABETH A. RENFREW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Renfrew in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1068-84

GLADYS N. ZYGADLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gladys Zygadlo in the sum of \$53.25 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: June 26, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1069-84ROBERT HOLEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Holeman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1070-84CHRISTY BOOZE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christy Booze in the sum of \$87.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1071-84ABC TOWING (RYAN FRANKLIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ryan Franklin) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1072-84ABC TOWING (D. COWLIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (D. Cowlie) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1984

RESOLUTION NO. 1073-84ABC TOW (D. DUPONT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (D. Dupont) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1074-84

ABC TOWING (M. FERRAIIZA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (M. Ferraiiza) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1075-84

ABC TOWING (E. JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (E. Johnson) as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1076-84

ABC TOWING (J. MARKS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (J. Marks) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1077-84

ABC TOWING (D. McDONALD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (D. McDonald) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

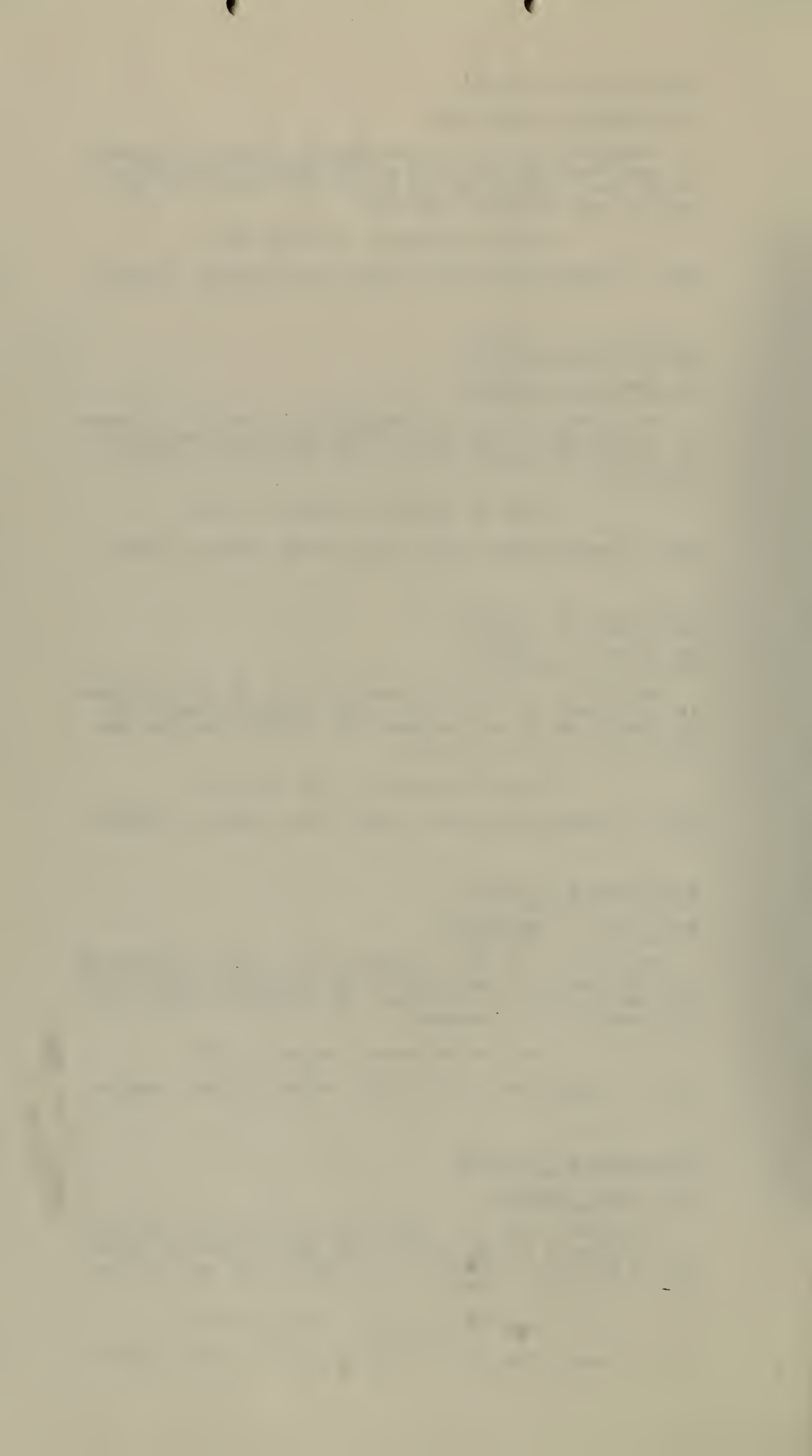
RESOLUTION NO. 1078-84

ABC TOWING (SANTOS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Santos) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1079-84ROBERT L. HOLLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Holland in the sum of \$126.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1080-84PETER L. IVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter L. Ivan in the sum of \$64.75 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1081-84MARK C. MARHEROA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark C. Marheroa in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1082-84GUNTER SCHULZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gunter Schulz in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1083-84FELIX H. TALOSIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Felix Talosig in the sum of \$48.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1084-84ERICH CAMACHO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erich Camacho in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1085-84EUGENE JOSEPH CLEMENTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene Joseph Clements in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1086-84MICHAEL A. COAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Coan in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1087-84PETER COSENTINO c/o OSCAR MALDONADO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Cosentino c/o Oscar Maldonado in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1088-84CAMERON E. DYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cameron Dyer in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1089-84NANCY GORDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Gordon in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1090-84LUXOR CAB COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cab Company in the sum of \$76.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1091-84MARTIN EBERHARDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martin Eberhardt in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1092-84ALVIN K. NAKAMURA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alvin K. Nakamura in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1093-84VICTOR F. NOWADNICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Nowadnick in the sum of \$124.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1094-84CARO PEMBERTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Caro Pemberton in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1095-84DAVID E. REEVES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Reeves in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1096-84IAN REEVES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ian Reeves in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1097-84CHI-HSIN SHAO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chi-Hsin Shao in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1098-84STEVEN SINN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Sinn in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31st & August 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1099-84BARBARA R. STUDHOLME

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Studholme in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1100-84ALAN VLAUTIW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Vlautiw in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1101-84GENEVIEVE YUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Genevieve Yuen in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1102-84ABC TOWING (BROWN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Brown) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1103-84ABC TOWING (EDDINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Eddins) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1104-84ABC TOWING (McGUIRE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (McGuire) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1105-84ABC TOWING (O'CONNOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (O'Connor) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1106-84ABC TOWING (TINGLE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Tingle) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1107-84MICHAEL J. AMOS

RESOLVED, that the recommendation of the City Attorney settlement of the claim of Michael J. Amos in the sum of \$53.25 as result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1108-84MARGARET B. GOLDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret Goldman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1109-84LEI ANN MAJEWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lei Ann Majewski in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1110-84DAVID J. MILLSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Millstein in the sum of \$46.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1111-84ROBERT ALAN MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Murphy in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1112-84DIANA SPARKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana Sparks in the sum of \$80.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1113-84VERNA A. CASTRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Verna Castro in the sum of \$220.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



39
RESOLUTION NO. 1114-84

DELLA MARIE REED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Della Reed in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1115-84

JULIUS SZABO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julius Szabo in the sum of \$800.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1116-84

LEON JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leon Jackson in the sum of \$282.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1117-84

GIL RAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gil Ray in the sum of \$309.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

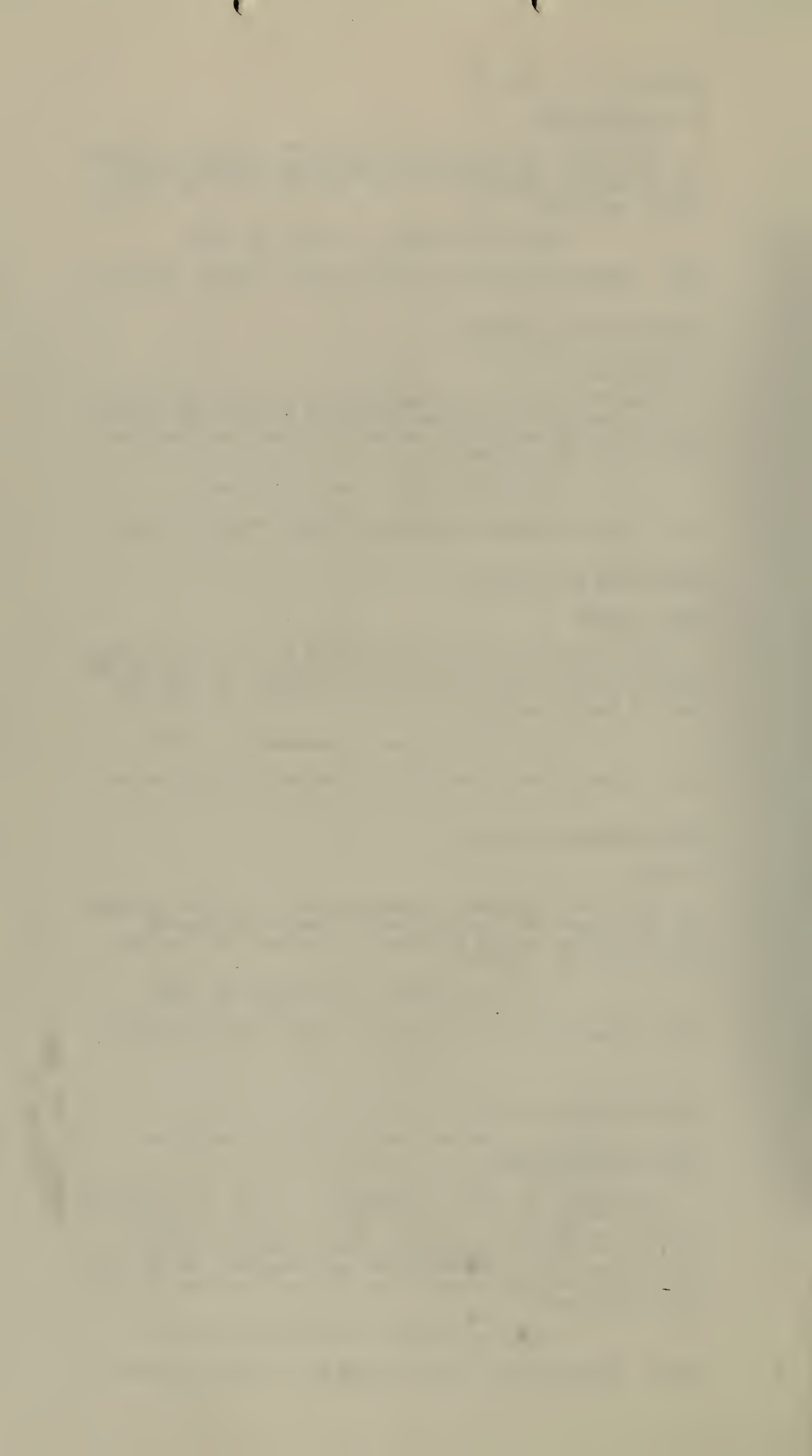
RESOLUTION NO. 1118-85

BURNS ELLISON vs. BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Burns Ellison in the sum of \$500.00 in Superior Court No. 807-094 entitled "Burns Ellison vs. Bank of America National Trust and Savings Association, City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 7, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 1119-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Lawrence Ryan) \$295.00 (Background Investigation
(Santa Rosa, California
(09/10/84 - 09/13/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1120-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Sgt. Raymond Carlson) \$433.00 (Advanced Fingerprint Course
(Eureka, California
(08/20/84 - 08/24/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1121-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Lt. Charles Hoenisch) \$218.00 (Pawn Brokers & Secondhand
Dealers Investigators Sem.
(Sacramento, California
(09/13/84 - 09/14/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1122-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Officer Kenneth Foster) \$684.00 (Narcotic Investigation
(Sacramento, California
(08/12/84 - 08/24/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1123-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Deputy Chief R. Trueb) \$272.00 (Post Law Enforcement
Executive Seminar on
Ethical Issues in Law
Enforcement
(Riverside, California
(08/28/84 - 08/30/84



RESOLUTION NO. 1124-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer James Gervasi) \$325.00 (Special Weapons and
Tactics Course
(Novato, California
(08/06/84 - 08/10/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1056-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTORS RAYMOND DRISCOLL, JOHN FOWLIE, PETER GODBOIS, PATRICK O'SHEA, AND ROBERT PACO, HIT & RUN DETAIL, AND OFFICER GARY MANINI, MISSION STATION, BE AUTHORIZED TO ATTEND THE SKIDMARK ANALYSIS IN ACCIDENT INVESTIGATION COURSE, CONDUCTED BY THE COLLEGE OF REDWOODS IN EUREKA, CALIFORNIA, FROM OCTOBER 8th TO OCTOBER 12, 1984

RESOLVED, that the recommendation of the Chief of Police that Inspectors Raymond Driscoll, John Fowlie, Peter Godbois, Patrick O'Shea, and Robert Paco, Hit and Run Detail, and Officer Gary Manini, Mission Station, be authorized to attend the Skidmark Analysis In Accident Investigation Course, in Eureka, California from October 8th to October 12, 1984; and be it further

RESOLVED, that expenses in the amount of \$361.50 each for subsistence and travel are reimbursable by P.O.S.T. Expenses in the amount of \$19.46 each for Course registration and syllabus expenses will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1057-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT GERALD MCCARTHY, INTELLIGENCE DIVISION, BE AUTHORIZED TO ATTEND THE INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS AND INVESTIGATORS IN-SERVICE TRAINING CONFERENCE, CONDUCTED BY THE INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS AND INVESTIGATORS IN TUSCON, ARIZONA, FROM OCTOBER 3rd TO OCTOBER 5, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Gerald McCarthy, Intelligence Division, be authorized to attend the International Association of Bomb Technicians and Investigators In-Service Training Conference, in Tucson, Arizona from October 3rd to October 5, 1984; and be it further

RESOLVED, that expenses in the amount of \$439.00 for registration fees, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission did meet in Executive Session under the brown act pertaining to Attorney-Client Conference and Personnel Matters and no vote was taken.



CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report for The Commission tonight.

PUBLIC HEARING IN REGARDS TO THE OPERATION OF THE OFFICE OF CITIZEN COMPLAINTS

Mr. Eugene Swann, Director of the Office of Citizen Complaints said that most everyone is aware of the publicity that is surrounding his office lately. He said he has prepared a statement that is in the hands of the Commissioners. He said he would read from it so that it will become a matter of public record: "It is with a sense of great accomplishment and achievement and deep regret that I submit the following report; The achievements that I and the Office of Citizen Complaints (OCC) can be proud of are many. One of which is the speed with which this office was set up and made operational. The Director was hired on June 13, 1983 with nothing more than a table and a phone. During the next eight weeks there was an announcement of job descriptions, examinations for the rest of the staff all of whom were hired by August 22nd. After a period of training, the Office of Citizen Complaints formerly began accepting citizens complaints on October 17, 1983. The staff of the OCC reflects the rich diversity of ethnic backgrounds that is characteristic of San Francisco. I think we do that more than any other agency of city government. We were few in number, nine investigators replacing the 24 former Internal Affairs Bureau investigators. We were new in understanding the operations and procedures of the Police Department as we were replacing personnel that has been doing this work for many many years, some in excess of 15. We were doing it for the first time. We were left with only a minimal of written procedures for the guidelines of the office by our predecessors who has existed since 1965. We were determined to be as accurate, as thorough and as non-bias, as humanly possible. The result was that we did not move so rapidly as some had hoped but we were moving in the most explosive area of Employer Community Police Relationships. Our reputation for un-biased, fair, thorough work was of utmost concern and had to be established firmly at the outset. We have done that. With the criticism that was sure to come no one has criticized our objectivity and our fairness. We have worked hard to introduce the newest state of technological arts of our operation, the acquisition of word processors, equipment, accessibility to all within OCC will greatly increase our productivity. The use of software programs to help in preparing greatly expanded and more detailed statistical reports is close at hand. the use by OCC of video equipment to record police activity was a first and received favorable comment from many others even outside of San Francisco. One of the most challenging areas was the establishment of the hearing process. The San Francisco Hearing process is very unique. There are no other processes like it in the nation. Rules had be be formulated to express the desire for quick and rather informal fact finding. The hearing officers are attorneys who have donated their time as part of their pro-bono professional obligation. At present we have a staff or panel of approximagely 40 such attorneys, the long term benefits of the Hearing process will be extremely valuable I believe, in creating an understanding between the police and the citizens of this City. Citizens will be able tp express their concerns and explain their actions in a non-adversarial setting, police officers will be able to explain their actions and see the impact of these actions as expressed by the citizens.



Both will learn and benefit by the experience. The Office of Citizen Complaints has been scheduling hearings at the rate of approximately 15 per week. At the same time a great deal of energy was spent on outreach of the City. Many appearances on TV, radio and public appearances before groups within the City were made to make the office more visible. All of this took place within the first eight months of OCC's existence. Also at that same time, we were processing and handling approximately 22 complaints per month. Areas that I view with a sense of regret are less in number but are very important to the success of the Office. The inability to convince the Finance Committee of the Board of Supervisors of the need for additional staff was extremely disappointing. Under the cap, OCC would be entitled to two additional investigators and one more additional clerical. This much needed help was denied us. At the present we are operating at approximately 10% below the level of which we are entitled. Refusal to correct this in future years reduces the Office of Citizens Complaints Budget drastically and renders it totally ineffective to carry out the task assigned. It is our belief that while the 60% was a cap not to be exceeded it was also a promised floor not to be reduced. As the Director I fail to comprehend the political tensions that have developed over the creation of OCC and how strongly they were held. My position was and still remains that, political influences should not impact the operation of OCC. I deliberately tried to stay away from the political activity that swirled around this office. This approach did not save OCC from the recent criticism of "mis-management", such allegations were not based upon the facts but were intended to undermine the very existence in philosophy of the Office of Citizen Complaints. The philosophy is an independent office within the police department responsible by The Police Commissioners. That idea has to be protected and strengthened by all of those who believe in it or it will fail. And you must believe the police are held accountable to the citizenry. I believe my continued presence would only further the political animosity and rancor that surrounds the Office of Citizen Complaints, therefore I hereby submit my resignation effective October 31, 1984. I take my leave with a sense of having made a contribution to the improvement of citizen-police relationships and I leave with a greater commitment to the need of civilian review process than I have ever had before. I want to thank you and thank the Chief for all the courtesies he has extended me and the members of the Board of Police Commissioners."

Commissioner Nelder then said he wanted to thank Mr. Swann for the Contributions that he has made to the Office as Director of the Office of Citizen Complaints. He continued by saying that there now is a lot more there than a phone and chair that he started with. He said he must note however, that this is Mr. Swann's considered opinion to submit his resignation and he then made a motion to accept that resignation and approve his request that he stay on to October 31st with the provision that the unanimous choice of this Commission is that Attorney Michael Gash of the Police Department's Legal Office will eventually serve as our interim Director and work with Mr. Swann toward the smooth transition with the acquisition of all that Mr. Swann has learned to be submitted to Mr. Gash so that this Commission will have the benefit of all the particulars in regards to the efficiency of that office. Commissioner Daly seconded and it was unanimously approved.

Commissioner Toler then thanked Mr. Swann and then stated that in his opinion, Mr. Swann made this a better Department and a better City to live in.



Commissioner Nelder then added to Commissioner Toler's comments by saying that this is a profound disappointment to the Commission because they had hoped the Office of Citizen Complaints would be a total success. He said Mr. Swann came here, unknown to The Commission and his appointment was made strictly on merit as The Commission interviewed many candidates for the position. He then noted that Mr. Swann has an outstanding background and that he had graduated from one of the finest law schools in the nation, Boalt Hall. He said the Commission appreciates everything he has done here and that there isn't any hard feeling on behalf of this Commission and hopefully there isn't on Mr. Swann's part also.

Commissioner Hsieh, in his comments, said he felt that this position, Director of the Office of Citizen Complaints, is one that is very sensitive. And addressing Mr. Swann, he said, the Commissioners have been trying just as hard as Mr. Swann in not only trying to work with him but also in giving him their support. He said in accordance with Commissioner Nelder's motion, he would suggest that the Commission move forth and conduct a search right away for a new Director and insure that the continuity and transition of this office be carried out smoothly. He continued by saying that he was delighted with the selection of Mr. Michael Gash as the interim Director as his experience and performance before The Commission has been very impressive. He said in the meantime, he would also like to see that The Commission has a chance to review the structure and organization of OCC as well as any other matters that pertain to this unit. He said with the great deal of experience that has been gained within the last few months The Commission should began to see a good amount of progress.

Commissioner Sanchez said he would just like to speak briefly on the Director's position which is a very complex matter. He said it requires a continuous degree of confidence, understanding and the ability to perform consistently in order to protect the integrity and process mandated under law. He then said to Mr. Swann that he as Director of the Office of Citizen Complaints, has taken the Department through the first level. When Mr. Swann came aboard The Commission and general public shared the fact that he, in essence, was not implementing a process but were in fact creating an office which must in fact be held accountable pertaining to overall police performance throughout the City. He said Mr. Swann has carried out his functions with great vigor. The record speaks for itself. The Department has made significant progress and headway pertaining to many many critical issues regarding the implementation of the Office of Citizen Complaints and The Commission is fully cognizant of his comments pertaining to the integrity of the process which will in fact remain a valid process. He continued by saying The Commission will be over-seeing the complete operation of OCC and in the next few weeks there will be an open search for a New Director to insure that the Department can move on to the next level of performance to insure the full compliance with the law that the citizens of San Francisco have mandated. The motion to accept Mr. Swann's resignation was then unanimously approved. Commissioner Sanchez then requested to Lieutenant Willie Frazier, Secretary of The Police Commission Office, to proceed with the review process pertaining to the announcement of the Director and that there will be a formal and open search and it is hoped that The Commission will be able to have a new Director aboard within 30 to 60 days. He said The Commission will be involved in the total process.



RECOMMENDATION OF THE CHIEF OF POLICE THAT TAXICAB OWNER
PERMIT #T-707 HELD BY DENNIS NATALI BE REVOKED

RESOLUTION NO. 1194-84

WHEREAS, Dennis Natali holds Taxicab Owner Permit #T-707; and

WHEREAS, Chief of Police Cornelius P. Murphy has recommended revocation of this permit; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, September 27, 1984; and

WHEREAS, investigation by the Permit Section revealed that Dennis Natali had failed to file the annual sworn statement regarding business operations as required by Section 1081 of the Municipal Police Code; therefore be it

RESOLVED, that it is the Order of the Police Commission that because Dennis Natali failed to comply with Section 1081 of the Municipal Police Code, he shall be and is hereby given a REPRIMAND and warned as to the consequence of future violations.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT ISHI LIMOUSINE
PERMITS #L-13, #L-25 and #L-26, BE REVOKED

RESOLUTION NO. 1054-84

WHEREAS, Ishi Limousine, Incorporated, holds Motor Vehicle For Hire Permits (Limousine #13, #25 and #26); and

WHEREAS, Chief of Police, Cornelius P. Murphy, has recommended revocation of these three permits; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, September 27, 1984; and

WHEREAS, investigation by the Permit Section revealed that Ishi Limousine, Incorporated, had failed to file the annual sworn statement regarding business operations as required by Section 1081 of the Municipal Police Code; therefore be it

RESOLVED, that it is the Order of the Police Commission that because Ishi Limousine, Inc., failed to comply with Section 1081 of the Municipal Police Code, they shall be and is hereby given a WARNING, as to the consequences of future violations.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION CONSIDERATION OF APPLICANT ALBERT T.
RUIZ FOR A TAXICAB PERMIT

Commissioner Nelder moved that this matter be carried off calendar until Mr. Ruiz could get certification from his physician as to his ability to operate a taxi cab.

Officer Lamont Suslow of the Permit Section, as soon as he is notified by Mr. Ruiz that he has had his examination will advise The Commission and have it placed on The Commission Agenda once more for consideration at that time.



HEARING OF OFFICER LESLIE L. CHONG, INGLESIDE STATION

The Hearing of Police Officer Leslie L. Chong, Ingleside Station was called it having been set for this date. Officer Chong was charged with violating the Rules and Procedures as follows:

CHARGE NO 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Inattention to duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which subverts the good order, discipline and efficiency of the Department, and which reflects discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Leslie Chong appeared in person and was represented by Mr. Charles G. Ogulnik, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Charles Ogulnik, for the Defense.

An opening statement was made by Mr. Jerry Akins, for the Prosecution.

The following named witnesses were called by the Prosecution were sworn, and testified:

Mrs. Judy Goulding	
Ms. Rosalinda DeRobles	222 Font Boulevard/SF
Officer Theodore Tom	Taraval Station

The following named witness was called by the Defense, was sworn and testified:

Officer Leslie Chong	Ingleside Station
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The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Letter dated 03/26/84 from Leslie Chong to Sally DeRobles.
Exhitit #2	Letter, dated 06/24/84 on Intra-Departmental Memorandum from Officer Leslie Chong to Sally DeRobles.
Exhibit #3	Letter dated 06/06/84 prepared on S.F.P.D. Computer Terminal to Sally DeRobles from S.F.P.D. Star 1308.
Exhibit #4	Letter dated 04/09/84 @9:30 a.m. from Leslie Chong to Sally DeRobles.



47

Officer Theodore Tom, Taraval Station, was recalled in Rebuttal.

Attorneys for the Police Department and for the Defense submitted their cases and thereafter, Mr. Jerry Akins presented a closing statement and Mr. Charles Ogulnik also submitted his closing statement.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is not sustained. Charges No. 2 and No. 3, as clarified and amended are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Leslie Chong be terminated.

The Commission again took the matter under submission and the following resolution was adopted.

RESOLUTION NO. 1049-84

DECISION - HEARING OF OFFICER LESLIE L. CHONG, INGLESIDE STATION

WHEREAS, on August 6, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Leslie Chong, Ingleside Station, as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department)

- (a) At all times herein mentioned, Leslie L. Chong, Star 1308, (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and, until suspended in connection with the within charges, assigned to Company H - Ingleside Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) Commencing early in 1984, the accused met a minor female at a party and commenced visiting said minor and associating with her on a regular basis;
- (d) The accused was aware that the female she was associating with was a minor;
- (e) Commencing on or about June 21, 1984, the accused engaged in an act of oral copulation with said minor, and commenced a course of acts of this nature which continued up to July 23, 1984;
- (f) The accused, as an adult, by engaging in oral copulation with a minor in conduct which would constitutes a violation of Penal Code 288a, which provides in pertinent part as follows:

"(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person."



"(b) (1) ..., any person who participates in an act or oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year."

- (g) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused by engaging in acts of oral copulation with a minor, has not only failed to prevent crime but has actually engaged in conduct of a criminal nature which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

CHARGE NO. 2

Inattention to duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Leslie L. Chong, Star 1308, (hereinafter referred to as the "accused"), was and is a police officer employed by the San Francisco Police Department and, until suspended in connection with the within charges, assigned to Company H - Ingleside Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules Orders and Procedures of the San Francisco Police Department;
- (c) Commencing early in 1984, the accused met a minor and associated with her on a regular basis;
- (d) The accused was aware that the female she was associating with was a minor;
- * (e) ~~Commencing on or about June 21, 1984, the accused engaged in an act of oral copulation with said minor, and commenced a course of acts of this nature which continued up to July 23, 1984;~~
- (f) The accused, while on duty, on an unknown number of occasions between March, 1984, and July 23, 1984, in uniform and driving a marked police vehicle, left her assignment in the Ingleside Police District and visited the minor female, referred to above, at her home in the Taraval District;
- (g) By leaving her district while on duty and without permission, the accused engaged in conduct which constitutes violations of Rules A-2 of General Order D-11 and B-2 of General Order D-1, which states:

*(Deleted during Deliberation by The Police Commission.)

A-2 of General Order D-11

"Officers performing patrol functions shall not leave their assigned areas except in the proper performance of police duty, or with the permission of a superior officer or personal necessity."



B-2 of General Order D-1

"Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

CHARGE NO. 3

Engaging in conduct which subverts the good order, discipline and efficiency of the Department, and which reflects discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Leslie L. Chong, Star 1308, (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and, until suspended in connection with the within charges, assigned to Company H - Ingleside Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;
- (c) Commencing early in 1984, the accused met a minor female at a party and commenced visiting said minor and associating with her on a regular basis;
- (d) The accused was aware that the female she was associating with was a minor;
- * (e) ~~Commencing on or about June 21, 1984, the accused engaged in an act of oral copulation with said minor, and commenced a course of acts of this nature which continued up to July 23, 1984;~~
- (f) The accused, while on duty, on an unknown number of occasions between March, 1984 and July 23, 1984, in uniform and driving a marked police vehicle, left her assignment in the Ingleside Police District and visited the minor female, referred to above, at her home in the Taraval District;
- (g) At or about 0700 hours on July 23, 1984, the accused took the female minor referred to above from her home without notice to her mother or the mother's permission and did not return said minor to her home until approximately 1800 hours on July 26, 1984. This caused the mother great anxiety and caused her to make a missing persons report to the San Francisco Police Department;
- * (h) The accused, by taking the minor from her home for three days, ~~and by engaging in oral copulation with the said minor~~ and by leaving her duty station to visit the minor at her home in a marked police vehicle, has engaged in conduct which undermines and subvert the good order, efficiency and discipline of the Department, and also reflects discredit on the Department, as well as members of the Department which constitutes a violation of Rule A-9 of the San Francisco Police Department; which states:

*(Deleted during Deliberation by The Police Commission)



"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 27, 1984, and on Thursday, September 27, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, Charge No. 1 was not sustained; therefore be it

RESOLVED, that the Commission finds that the allegations continued in Charges No. 2 and No. 3 as preferred by the Chief of Police against Police Officer Leslie L. Chong, are sustained by the weight of the evidence presented. The Commission therefore adopts the language of said charges as amended at the hearing herein, as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department; The Commission Orders that the following discipline be imposed:

Charge No. 1	[penalty]	Not Sustained
Charge No. 2	[penalty]	Termination
Charge No. 3	[penalty]	Termination

and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

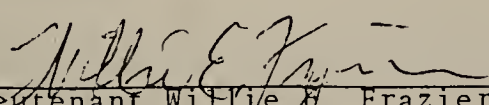
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Recesses taken during the Hearing of Officer Chong:

8:16 p.m.	to	8:18 p.m.
9:18 p.m.	to	9:30 p.m.
9:47 p.m.	to	10:32 p.m.
10:38 p.m.	to	10:51 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 10:55 P.M.



Lieutenant William E. Frazier
Secretary
THE POLICE COMMISSION



4 OCTOBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, October 4, 1984 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

1. Attorney-Client Conference

Commissioner Sanchez presiding.

4 OCTOBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, October 4, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

APPROVAL OF MINUTES

Approval of Minutes of the Meeting of August 23, 1984. The Commissioners having received, amended and returned copies of the same.

APPROVAL OF CONSENT CALENDARRESOLUTION NO. 1140-84MARSEL BUFFORD v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marsel Bufford in the sum of \$12,500.00 in Municipal Court action No. 870-136 entitled "Marsel Bufford v. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1141-84IGOR SHOIKHET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Igor Shoikhet in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1142-84DONNA REED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna Reed in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1143-84LETITIA E. PEPPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Letitia E. Pepper in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1144-84JOSEPH F. ORCHARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph F. Orchard in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1145-84JAMES McCANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James McCann in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1146-84DEBORAH ANN MAHONEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Ann Mahoney in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1147-84HARRY HENNEBERGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Henneberger in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1148-84DOROTHY GARVEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy Garvey in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1149-84SUE E. FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sue E. Fong in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1150-84KENNETH DeMELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth DeMello in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez,
Toler

RESOLUTION NO. 1151-84KIM CAMPBELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kim Campbell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez,
Toler

RESOLUTION NO. 1152-84JENNIFER BUTCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Butcher in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez,
Toler

RESOLUTION NO. 1153-84GEORGE T. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George T. Brown in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1984

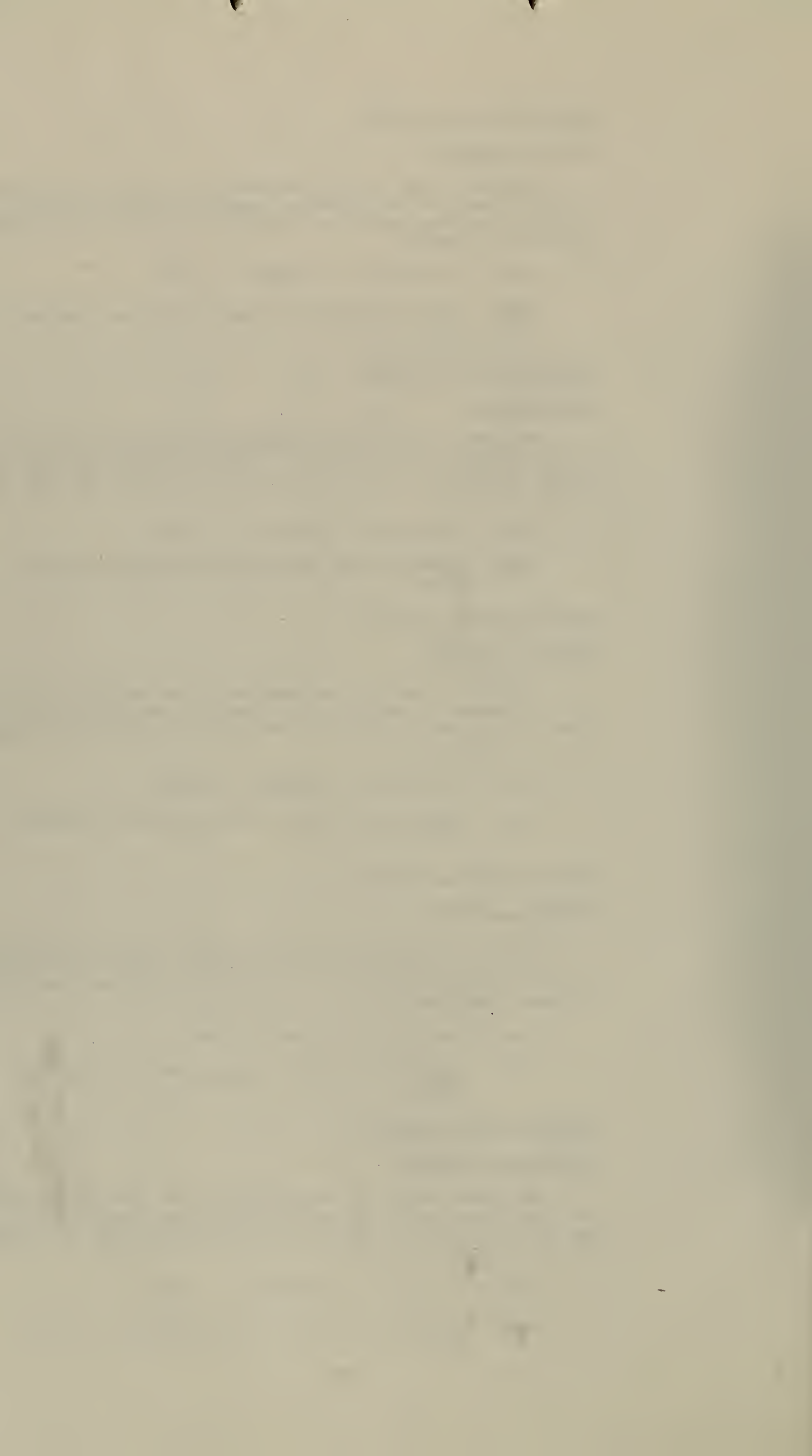
AYES: Commissioners Daly, Hsieh, Nelder, Sanchez,
Toler

RESOLUTION NO. 1154-84ABC TOWING (VESECKY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Vesecky) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez,
Toler



RESOLUTION NO. 1155-84ABC TOWING (KITTLING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kittling) in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1984

AYES: Commissioners Daly, Hsieh, Nelder,
Sanchez, Toler

RESOLUTION NO. 1156-84ABC TOWING (ELLENBERG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ellenberg) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder,
Sanchez, Toler

RESOLUTION NO. 1157-84ABC TOWING (COLVIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Colvin) in the sum of \$34.50 as the results of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 23, 1984

AYES: Commissioners Daly, Hsieh, Nelder,
Sanchez, Toler

RESOLUTION NO. 1158-84ABC TOWING (CLARK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Clark) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Daly, Hsieh, Nelder,
Sanchez, Toler

RESOLUTION NO. 1159-84ABC TOWING (BERNINZON)

RESOLVED, that the recommendation of the City Attorney of the claim of ABC Towing (Berninzon) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1984

AYES: Commissioners Daly, Hsieh, Nelder,
Sanchez, Toler



RESOLUTION NO. 1192-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR JOHN MCKENNA, INTELLIGENCE DIVISION, BE AUTHORIZED TO ATTEND THE THE ASID ORGANIZED CRIME CONFERENCE CONDUCTED BY WASHINGTON, D.C. METROPOLITAN POLICE DEPARTMENT IN WASHINGTON, D.C. FROM NOVEMBER 4 TO NOVEMBER 8, 1984

RESOLVED, that the recommendation of the Chief of Police that Inspector John McKenna, Intelligence Division, be authorized to attend the Asian Organized Crime Conference, conducted by Washington, D.C. from November 4 to November 8, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the smount of \$815.00 for registration fees, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1188-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT THOMAS SUTTMEIER, PLANNING AND RESEARCH, AND OFFICER DAVID HERMAN, NORTHERN STATION, BE AUTHORIZED TO ATTEND THE PLANNING, DESIGN AND CONSTRUCTION OF POLICE FACILITIES TRAINING PROGRAM IN SAN DIEGO, CA FROM OCTOBER 8 TO OCTOBER 12, 1984

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Thomas Suttmeier, Planning and Research and Officer David Herman, Northern Station, be authorized to attend the Planning, Design and Construction of Police Facilities Training Program, sponsored by the International Association of Chiefs of Police, to conducted in San Diego, California, from October 8 to October 12, 1984; and be it further

RESOLVED, that expenses in the amount of \$865.00 each for tuition, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commmissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1160-84DFEH/RAGLER v. SFPD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim in the matter of DFEH/Ragler v. San Francisco Police Deparmtnet, FEP No. 82-82 A9-0483p, be, and the same is hereby approved as follows:

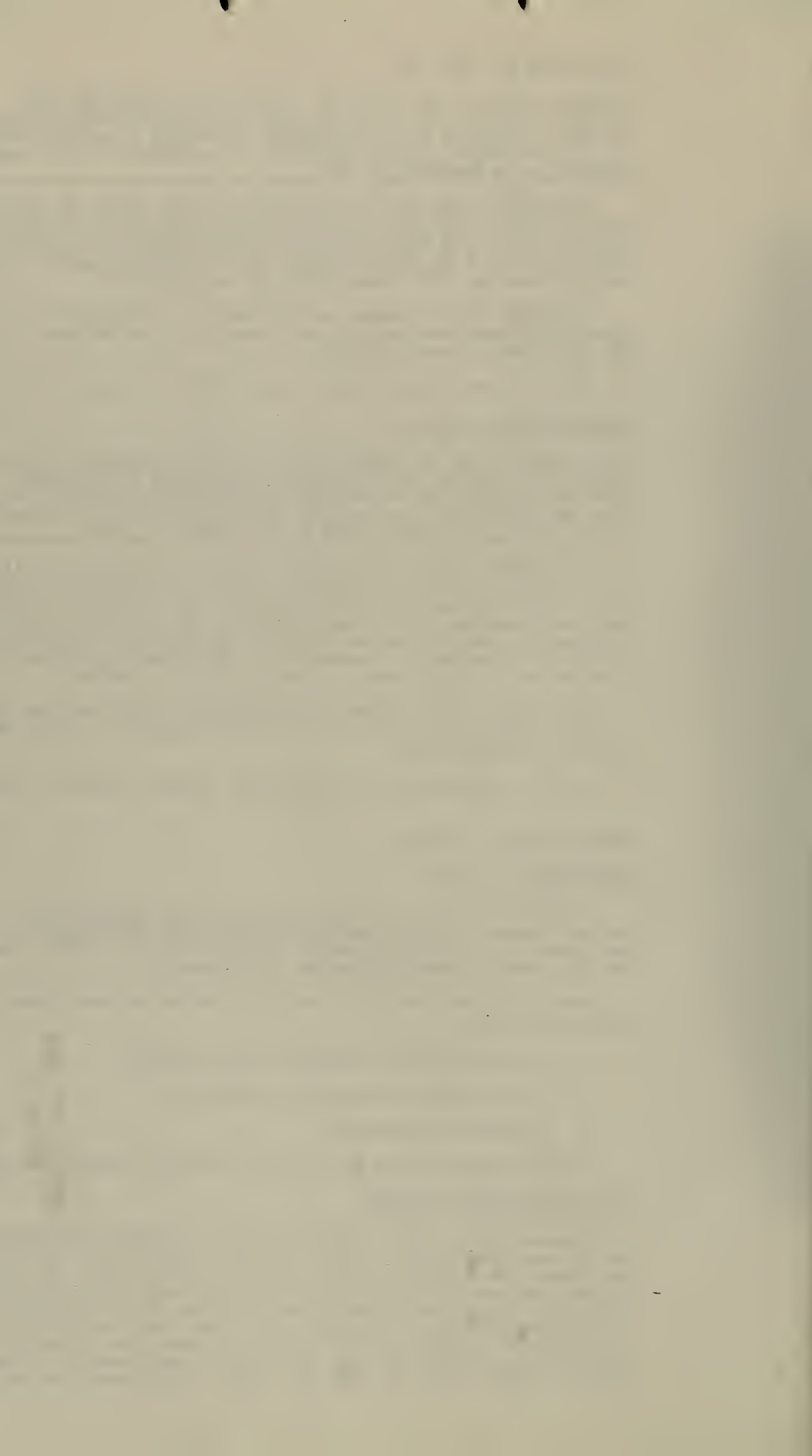
Admission into the next available Police Academy class, condition upon:

- a. passing updated background investigation
- b. psychological screening examination
- c. polygraph examination

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met in executive session this afternoon under the Brown Act pertaining to Attorney Client conference and no vote was taken. He said he would just like to re-iterate that the Commission Office has been disseminating the position of Director Office of Civilian Complaints which has been open and the closing date is October 24, 1984, the salary range, conditions of employment duties, qualifications, etc. are on the announcement for anyone who does have an interest in applying. These forms, he said



may be obtained from Lt. Frazier in the Commission Office and it is also being disseminated in the newspapers. He said the Commission encourages all who has an interest in this very important position to please apply.

Commissioner Nelder said he, on another subject, would ask that the Commission Secretary write a note to the Department of Public Works Director Jeffery Lee regarding Portola Drive and Miraloma. He said there is an intersection there just begging for disaster. He said it already has a high incidence of traffic accidents and money has been appropriated for signals to be placed there but nothing has been done and he felt that perhaps the Commission should ask them to expedite the installation of the installation of the signals at that location based upon what he just said.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Eimil sitting in for the Chief stated that he had no report for the Commission tonight.

RECOMMENDATION OF THE CHIEF OF POLICE THAT TAX-CAB OWNER PERMIT #306 HELD BY SHIRLEY CARDIEL, BE SUSPENDED.

RESOLUTION NO. 1189-84

WHEREAS, Ms. Shirley A. Cardiel has requested that permission be granted to suspend operation of her taxicab owner permit No. 306 from September 1, 1984 to November 29, 1984;

WHEREAS, Ms. Cardiel appeared in person and requested suspension of operation of her taxicab owner permit No. 306; therefore be it

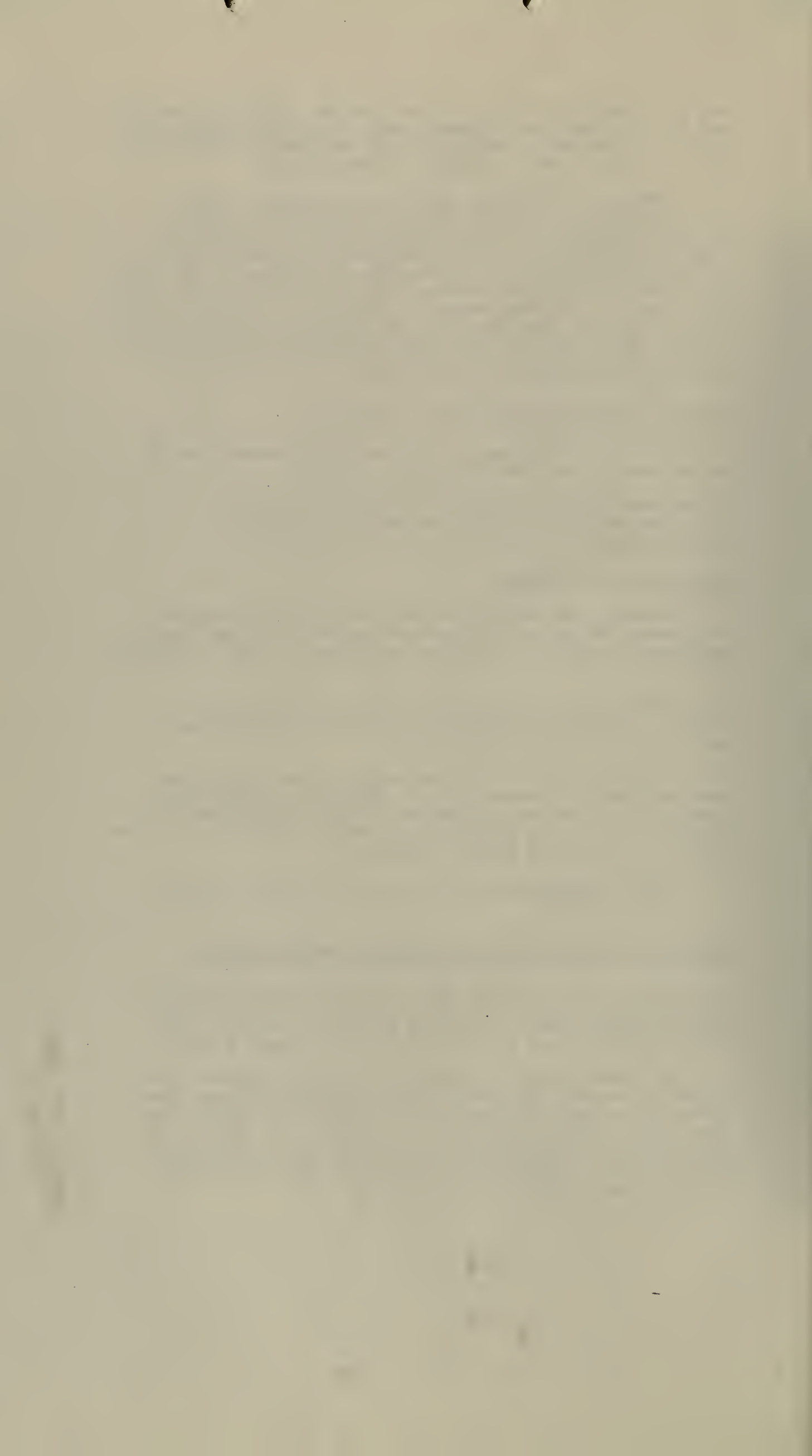
RESOLVED, that it is the order of the Police Commission that the request of Ms. Shirley A. Cardiel for permission to suspend operation of her taxicab owner permit No. 306 from September 1, 1984 to November 29, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

HEARING OF OFFICER DOUGLAS HANSEN, POTRERO STATION

Commissioner Nelder said this matter was conducted without his presence and the other case to follow was also started without his being present so at this time he asked permission to be excused and it was granted.

Mr. Jamie Sutton, attorney for Officer Hansen then opened by saying the said Officer had been charged with a drunk driving violation on the Golden Gate Bridge and that matter came on for trial in October of 1982 and at that time he was acquitted by a jury after 2 hours of deliberation. He said it came before the Police Commission and was continued from time to time



for various reasons and then finally about January of 1985 about a year after the incident the Hearing was commenced. He said the Three Commissioners who heard it at that time was here and is here once again. He said at that time the evidence was presented and at the end of the Hearing the Commission requested further testimony. A highway patrol officer testified and also other witnesses on behalf of the Police Department and there were other witnesses on behalf of Officer Hansen. He said since this time the Officer has been an exemplary Police Officer.

Mr. Gash in response stated that this case is a very unique situation. He said the unfortunate thing is that the Commission did start the hearing of the case but were not able to complete it. He said when an attempt was made to re-schedule it many of the Commissioners had conflicting schedules along with the Officer and his Attorney and thereby causing a great deal of delay for hearing. He said the Department really has, in the interest of all parties, no objection to dismissing it. He said he just wanted the Commission to keep in mind that this is an isolated incident and also there was more to the incident than the drunk driving there was also allegations regarding the conduct of the officer and how he conducted himself during the arrest by the CHP Officers. He said, as stated, it has been close to two years since the time of the incident and the Department really has no problems with the Commission dismissing this case but knowing that this is an isolated incident regarding the particular fact that this matter in fact this case actually fell into what he calls a crack that we all sort of missed.

After listening to further testimony Commissioner Sanchez asked for a 3 minute recess to look at the Officer's service jacket. Thereafter the Commission reconvene and Commissioner Sanchez then said that the Commission has reviewed the recommendation of the Department including that of the Department pertaining to Officer Hansen and unanimously accepts the recommendation of the Department pertaining to the dismissal of the charges. However, he said, the Commission do wish to admonish Officer Hansen again pertaining to his conduct during that incident. He said but other than that the Commission will accept the recommendation of the Chief pertaining to dismissal of the charges. He said the Commission would also state that it is quite pleased that during these past few months Officer Hansen has performed in accordance with the highest standards exemplified and required of San Francisco Police Officers.

HEARING OF POLICE OFFICER DOUGLAS D. HANSEN, POTRERO STATION

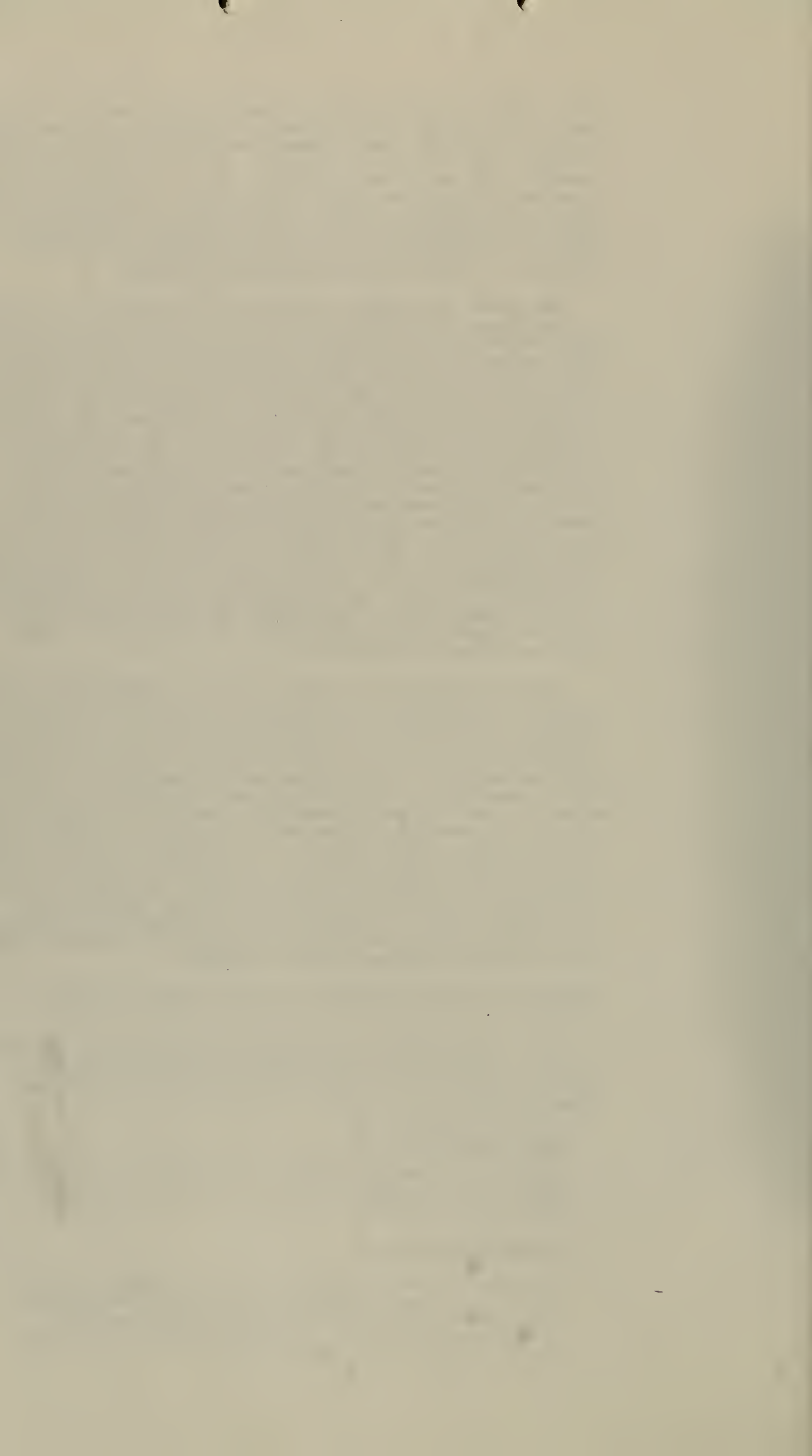
The hearing of Police Officer Douglas Hansen, Potrero Station, was called it having been set for this date. Officer Hansen was charged with violating the Rules and Procedures as

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).



in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Douglas Hansen appeared in person and was represented by Mr. Jaime Sutton, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Jamie Sutton for the Defense and at that time a motion was made for Dismissal of Charges.

An opening statement was made by Attorney Michael Gash, for the Prosecution in response to the motion for Dismissal of Charges, and did not contest the motion but agreed to a dismissal.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1127-84

DECISION - HEARING OF OFFICER DOUGLAS D. HANSEN,
POTRERO STATION

WHEREAS, on January 28, 1983, Cornelius P. Murphy, Chief of Police, made and served charges against Officer Douglas Hansen, Potrero Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Douglas D. Hansen Star 1804, was and is a Police Officer employed by the San Francisco Police Department and assigned to Company C - Potrero Station;
- (b) As a Police Officer, Officer Hansen (hereinafter referred to as the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On December 28, 1982, at or about 0045, the accused, while off-duty and driving his personal automobile, was involved in an accident with another automobile on U.S. Highway 101 northbound on Golden Gate Bridge;
- (d) At said time and place, the California Highway Patrol responded and arrested the accused for violation of Vehicle Code Section 23152 (a), a misdemeanor;
- (e) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding his duty, the accused, by driving a vehicle on the Highways of the State of California in violation of Vehicle Code Section 23152(a), not only failed to prevent crime, but engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:



SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) Each and every allegation contained in paragraphs (a) through (e) of Specification No. 1 are incorporated by reference as though they were fully set forth herein;
- (b) On December 28, 1982, at or about 0045 hours, the accused refused to submit to a chemical test to determine the alcoholic content of his blood and used profane language toward the responding California Highway Patrol Officer;
- (c) The accused, by being arrested for driving a motor vehicle on the highways of the State of California in violation of Vehicle Code Section 23152(a), by refusing to submit to a chemical test to determine the alcoholic content of his blood, and by using profane language toward the responding California Highway Patrol Officer has engaged in conduct which subverts the good order, efficiency and discipline of the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 11, 1984 and Thursday, October 4, 1984, and on Thursday, October 4, 1984, the matter was submitted to the Police Commission for decision; and

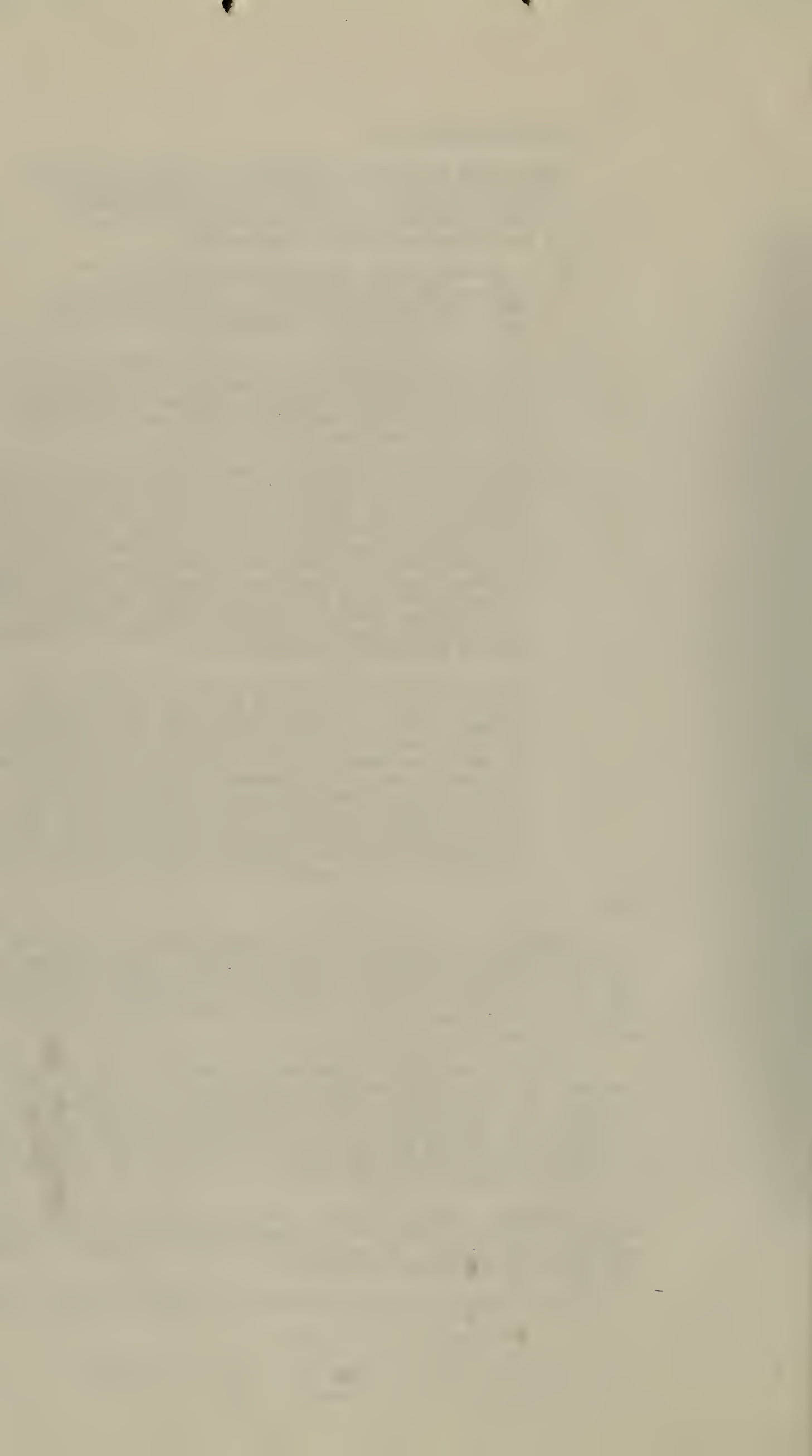
WHEREAS, the Police Commission finds that the said charge made and filed against Police Officer Douglas D. Hansen, Pot Station, as contained in Specification No. 1, violation of Rule A-2, and Specification No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, was, on motion by the Defense Attorney and agreed to by the Chief of Police dismissed; therefore be it

RESOLVED, that it is the Order of the Police Commission that said charges contained in Specification No. 1, Rule A-2 and Specification No. 2, Rule A-9, of General Order D-1, be, and the same are hereby dismissed.

Recess taken during the Hearing of Officer Douglas Hansen

6:28 p.m. to 6:38 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)



AYES: Commissioners Daly, Toler, Sanchez
ABSENT: Commissioners Hsieh, Nelder

HEARING OF POLICE SERGEANT HUGH C. ELBERT, COMMUNICATIONS

RESOLUTION NO. 1126-84

WHEREAS, the date set for the disciplinary hearing of Police Sergeant Hugh Elbert, Communications, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, November 1, 1984; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Sergeant Hugh Elbert, is set for Thursday, November 1, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Sanchez, Hsieh
ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION
(CONTINUED FROM MEETING OF AUGUST 30, 1984)

The hearing of Officer Michael, O'Neill, Southern Station was called it having been set for this date. Police Officer Michael O'Neill, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3 - (FIRST AMENDED)

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Michael O'Neill, appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The Charges against Police Officer Michael O'Neill, were then read into the record.



The following named witnesses appeared for the Defense, were sworn and testified:

Dr. James A. Wright	Toxicologist
Sergeant William Hardeman	Management Control Div.
Mrs. June O'Neill	
Captain Robert Forni	Southern Station
Officer Benjamin McAllister	Central Station
Officer Michael O'Neill	Southern Station
Officer Michael Shea	Police Stress Unit

The following exhibits were entered into evidence by the Defense:

Exhibit A S.F. Police Department Form 358 (02/82)
Internal Affairs Bureau #101-84 dated
07/04/84 @1720 Hours/S.F.P.D. Complaint
against Police Officer Nickolas Repovich
and Police Officer Michael O'Neill

Exhibit B Letter dated 10/01/84, To Whom It May
Concern from Rae Ellen Holland, Garden
Sullivan Hospital

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specifications No. 1, No. 2 and No. 3 are sustained.

Based on those findings, the Commission requested a recommendation from Acting Chief of Police, George Emil. It is the recommendation of the Acting Chief of Police that Officer Michael O'Neill, Southern Station, (under Provisions of Gen-Order D-4 of the Rules and Procedures of the San Francisco Police Department "Substance Abuse Education Committee"/SAEC) be suspended for 90 calendar days for each charge but given credit for time served which is approximately 52 days with the remaining 218 days to be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1125-84

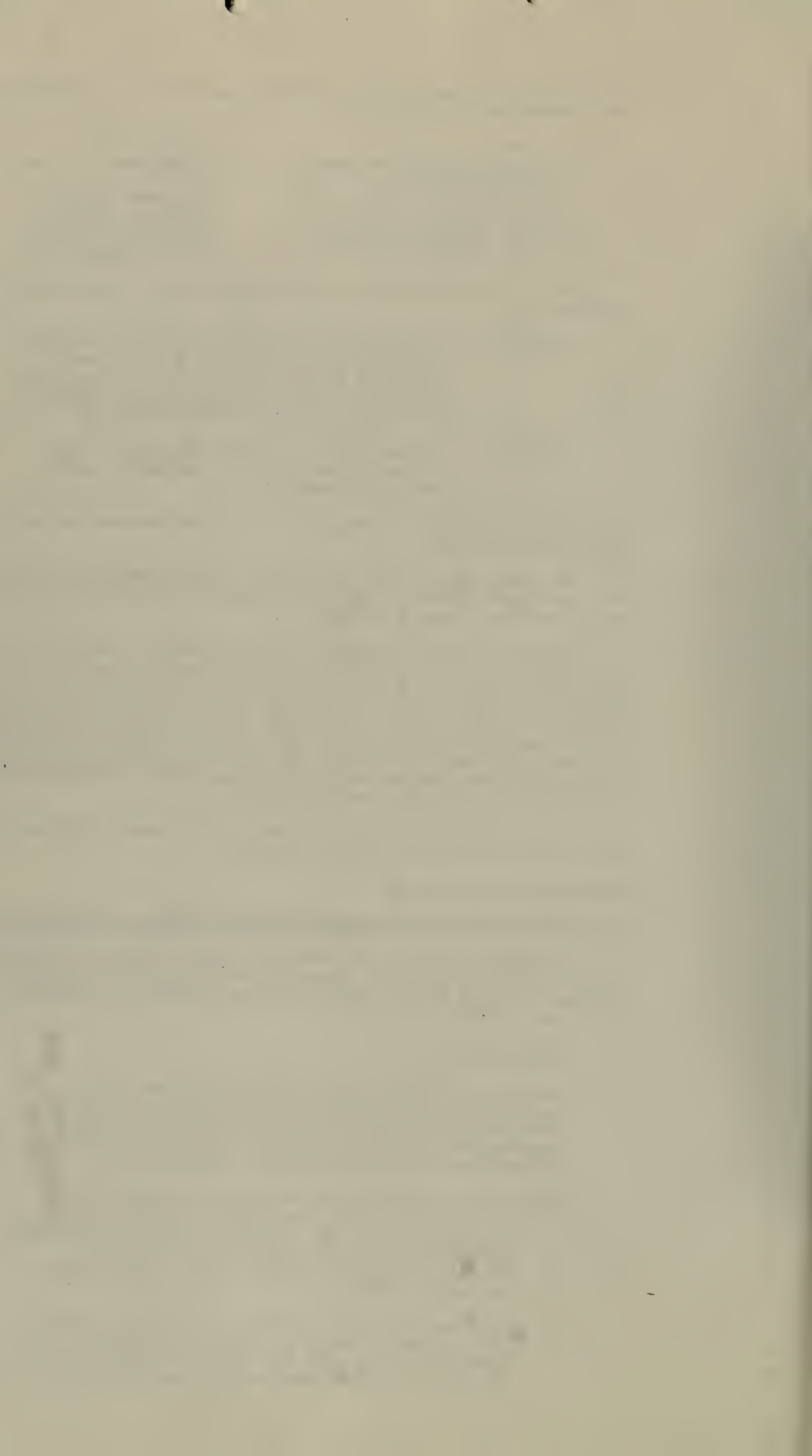
DECISION - HEARING OF OFFICER MICHAEL O'NEILL, SOUTHERN STATION

WHEREAS, on July 11, 1984 and July 20, 1984, Cornelius P. Murphy, Chief of Police, made and served charges and amended charges against Police Officer Michael O'Neill, Southern Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Michael F. O'Neill, Star 230, was and is a police officer employed by the San Francisco Police Department. Officer O'Neill was assigned to Company B - Southern Station, however, he was suspended on July 9, 1984;
- (b) As a police officer, Officer O'Neill (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

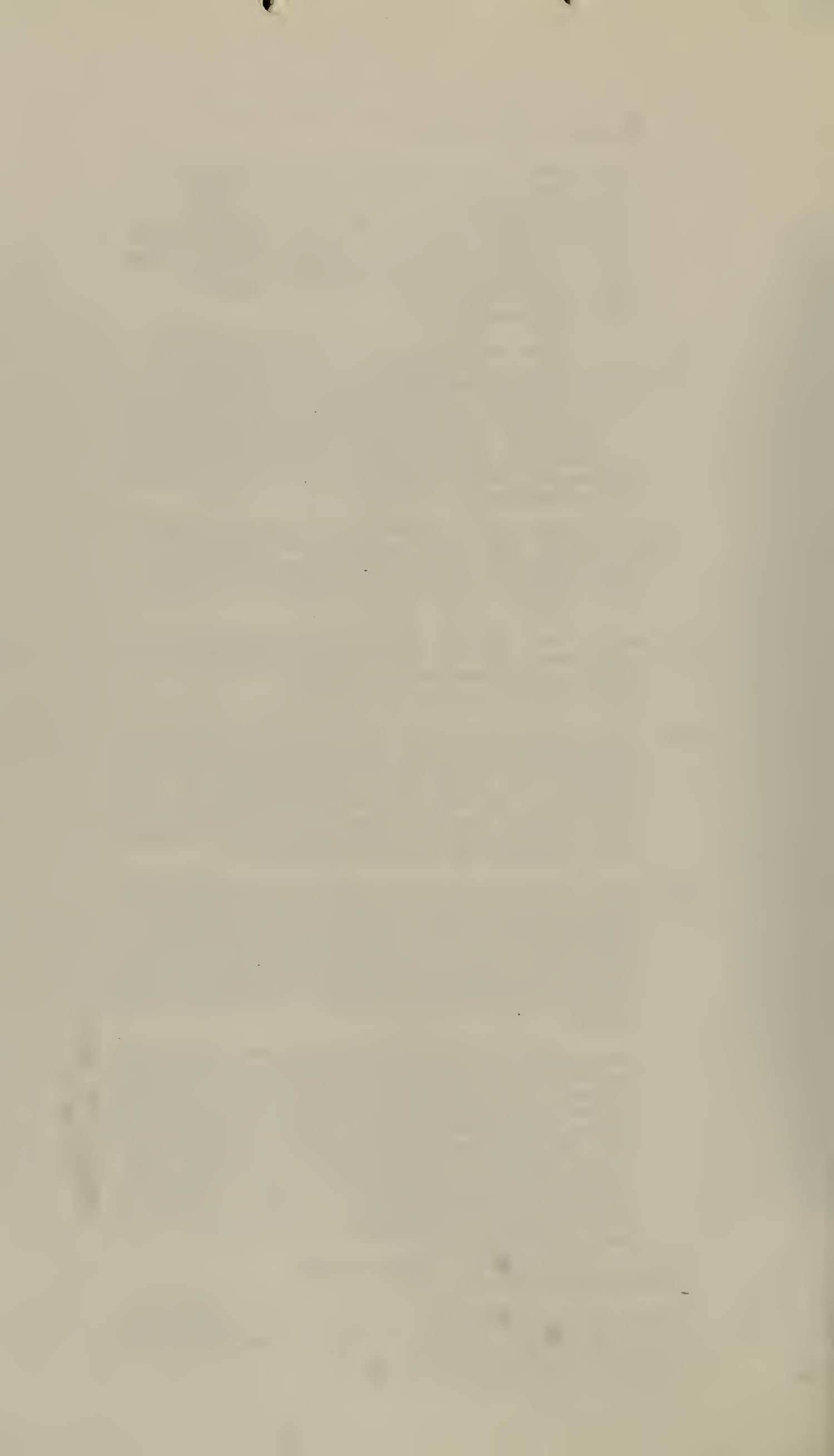


- (c) On July 4, 1984, the accused began his tour of duty at 2300 hours;
- (d) On or about July 4, 1984, at approximately 1630 hours, the accused and his partner, Officer Nickolas M. Repovich, Star 1315, received a call from Communications to respond to 1678 16th Street in San Francisco to provide police assistance. Prior to responding to 1678 16th Street, the accused dropped Officer Repovich at 165 Mississippi Street and proceeded to the call for police assistance:
- (e) The accused returned to 165 Mississippi Street and was detained by members of the Narcotics Section of the San Francisco Police Department who had arrested Officer Repovich for violating Section 11352 of the California Health and Safety Code. The accused was subsequently released to Lieutenant William Taylor, Star 1039, of the Management Control Division of the San Francisco Police Department;
- (f) The accused was requested by Lieutenant Taylor to provide two urine samples. The accused provided one urine sample at or about 1920 hours and provided a second urine sample at or about 2017 hours;
- (g) On or about July 5, 1984, at the request of the Department, the Coroner's Office completed a toxicological analysis of the two (2) urine samples provided by the accused;
- (h) The results of the first urine sample taken at 1920 hours showed that the urine of the accused contained approximately 1.8 micrograms per milliliter of cocaine and cocaine metabolite. The results of the second urine sample taken at 2017 hours showed that the urine of the accused contained approximately 0.3 micrograms per milliliter of cocaine and cocaine metabolite;
- (i) The accused, by having cocaine and cocaine metabolite in his urine while on duty has engaged in conduct which tends to subvert the good order, efficiency and discipline of the Department and reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2 - (FIRST AMENDED)

Engaging in conduct which tends to subvert the good order, efficiency and or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);



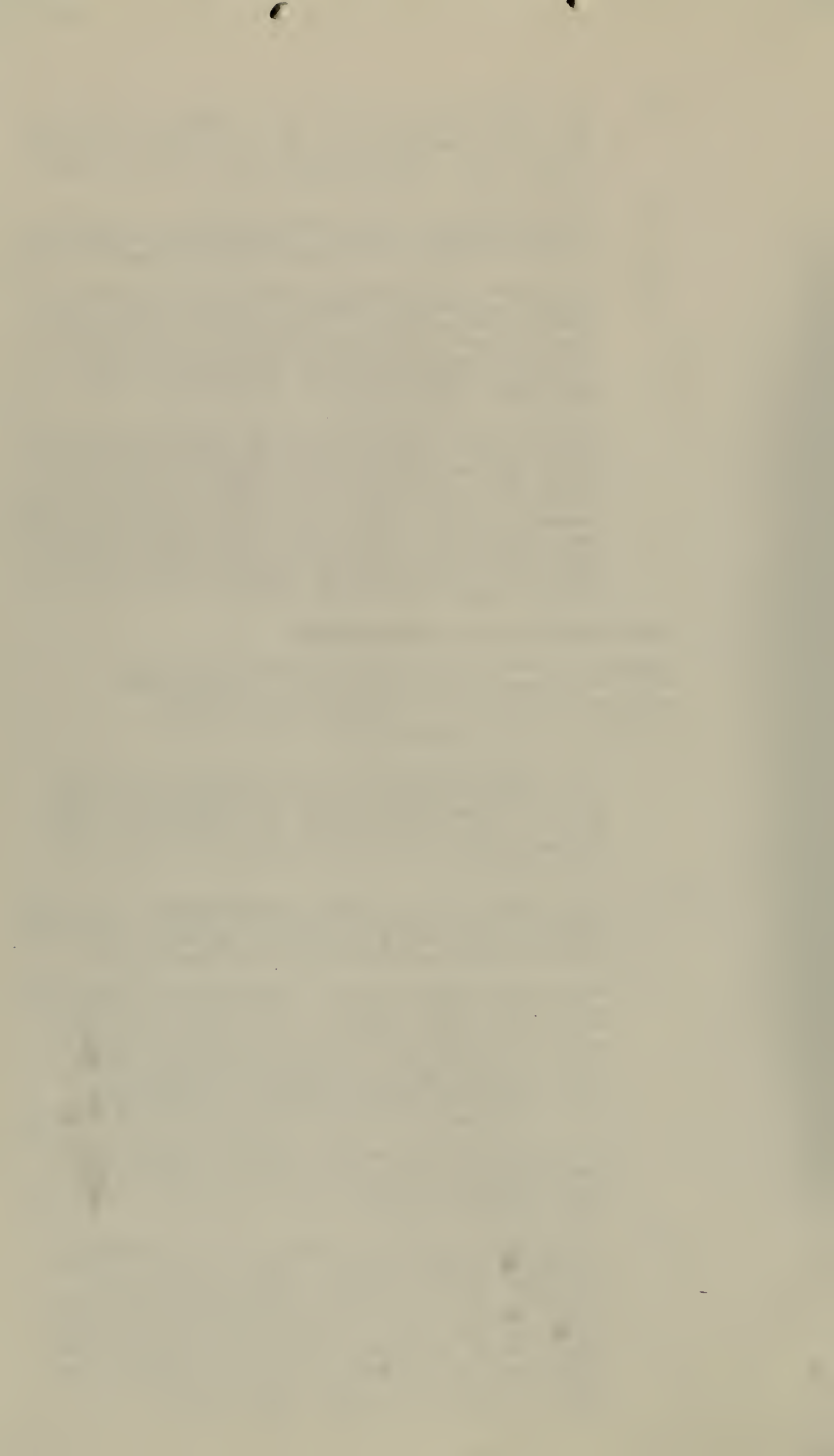
- (a) The allegations set forth in paragraphs (a) through (i) of Specification No. 1 of the Charges filed with the Police Commission against the accused on or about July 11, 1984, are hereby incorporated by reference as if fully set forth herein;
- (b) The accused on several occasions while on duty in uniform consumed alcoholic beverages at the Cable Car located at Fourth and Townsend Streets in San Francisco
- (c) The accused by consuming alcoholic beverages while on duty in uniform has engaged in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of Department, though such offenses are not specifically laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3 - (FIRST AMENDED)

Engaging in conduct which tends to subvert the good order, efficiency and or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in paragraphs (a) through (i) of Specification No. 1 of the charges filed with the Police Commission against the accused on or about July 11, 1984, and paragraphs (a) through (c) above are hereby incorporated by reference as if fully set forth herein;
- (b) On or about June 23, 1984, at approximately 1850 hours, the accused and Officer Nickolas M. Repovich, Star 1315 arrested and booked a suspect for violation of 647 (f) of the California Penal Code at the County Jail;
- (c) On or about June 23, 1984, at approximately 1850 hours, during the booking search, a plastic bag containing white powder which appeared to be cocaine was found in the suspect's wallet. Several straws were also found on the suspect. The accused took the plastic bag and the straws and placed them in his pocket. The accused was observed leaving the County Jail with this plastic bag which appeared to contain cocaine
- (d) The accused did not destroy, prior to leaving the County Jail, or make a report that the plastic bag which appeared to contain cocaine was in the suspect's wallet during the search;
- (e) The accused, by taking a plastic bag which appeared to contain cocaine from the County Jail and failing to destroy the contraband or making a report that contraband was found during the booking search of a suspect who had been arrested, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:



"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined, or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

therefore be it;

RESOLVED, that the Commission finds that the allegations contained in Specifications No. 1, No. 2 and No. 3, as preferred by the Chief of Police against Police Officer Michael O'Neill are sustained by the evidence presented and said allegations are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty]	90 Calendar Days
Specification No. 2 [penalty]	90 Calendar Days
Specification No. 3 [penalty]	90 Calendar Days

and be it further;

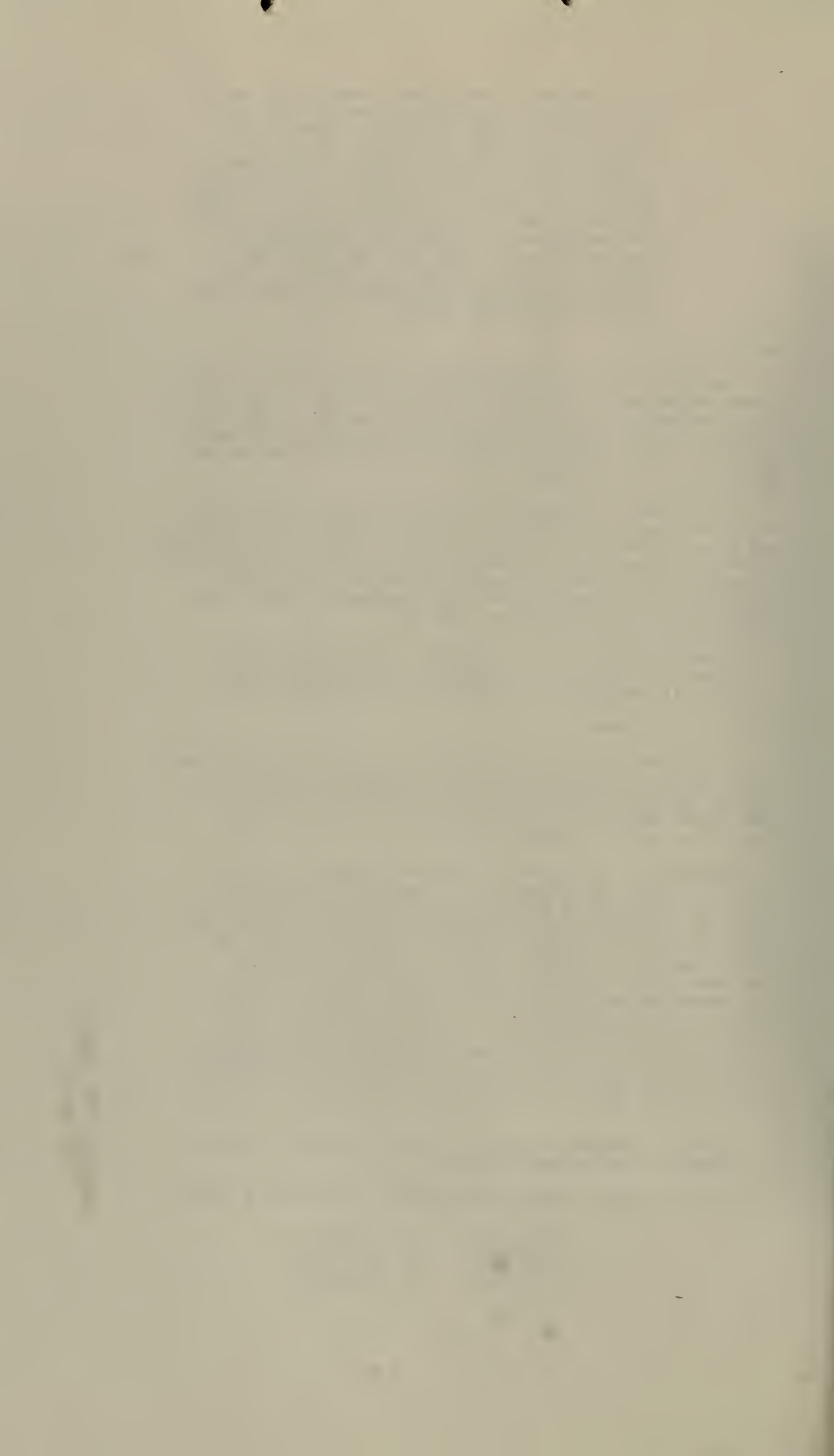
RESOLVED, that said suspension totaling 270 Calendar days, minus 52 days credit for suspension time already served, shall commence on Friday, October 5, 1984 at 0001 hours and end on Saturday, May 11, 1985 at 2400 hours; and be it further

RESOLVED, that prior to Officer Michael O'Neill's return to duty, he submit to a thorough and complete physical examination by a physician skilled in evaluation and treatment of alcoholism and other chemical dependencies. The costs and laboratory fees incurred for this examination shall be paid by Officer O'Neill. One week prior to Officer O'Neill's return to duty, the examining physician shall submit a report to the Chief of Police regarding Officer O'Neill's involvement with substance abuse. If Officer O'Neill fails to comply with the conditions set forth in this Resolution, appropriate disciplinary action shall be taken, up to and including termination from employment for his failure to comply.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder


Recesses taken during the Hearing of Officer O'Neill:

8:02 p.m.	to	8:26 p.m.
10:33 p.m.	to	10:38 p.m.
11:33 p.m.	to	11:54 p.m.
Midnight	to	12:05 p.m.



(The entire proceedings were taken in Shorthand
Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 12:15 A.M.



WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



9 OCTOBER 1984

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, October 9, 1984 at 1000 hours in a Special Meeting.

PRESENT: Commissioners Hsieh, Daly, Nelder
ABSENT: Commissioners Toler, Sanchez

1. Attorney-Client Conference

Commissioner Nelder presiding.

RESOLUTION NO. 1128-84

HEARING OF POLICE OFFICER NICANOR E. GUERRA, RICHMOND STATION

The Hearing of Police Officer Nacanor Guerra, Richmond Station, was called it having been set for this date. Officer Guerra was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Nicanor Guerra appeared in person and was represented by William Beirne, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, for the Prosecution.

Opening statement was reserved by Mr. William Beirne, Defense Attorney.

The charges against Police Officer Nicanor Guerra were then read into the record.

The following named witness appeared for the Prosecution, were sworn and testified:

Officer Horace Smith California Highway Patrol

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 3' X 4' chart - chronological and
 statistical information on 1979
 Datsun 280-ZX



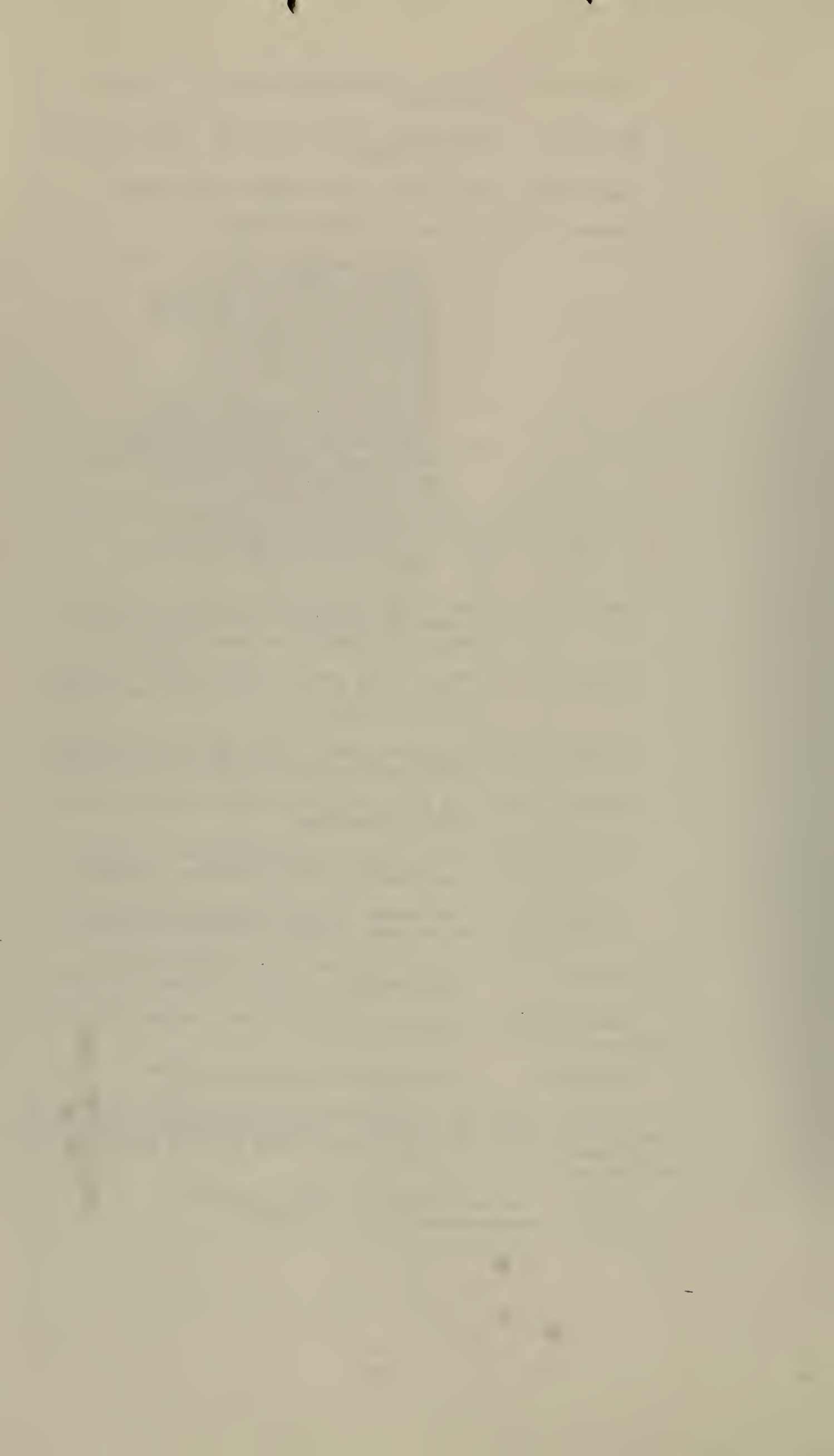
- Exhibit #2 One 8" X 5- $\frac{1}{2}$ " Color photo of a vehicle VIN Number
- Exhibit #3 Photo-copy of left side of a vehicle door door-Fl6730184
- Exhibit #4 Photo-copy of VIN Number HS130-15704
- Exhibit #5 11 Pages of photo-copies:
- 1) CA Salvage Certificate
 - 2) Appl. for Registration
 - 3) Teletype AMIS 2071/09-10-82
 - 4) Teletype AMIS 1093/09-10-82
 - 5) Statement of Facts for Motor Vehicle Use Tax.
 - 6) Bills of Sale-05/31/82 and 09/10/82
 - 7) Statement of Facts-Official Brake Adjustment Certificate
 - 8) Certificate of Adjustment/Lamp Adjustment Certificate/Certificate of Compliance/Motor Vehicle Pollution Control
 - 9) Certificate of non-operation/Application for substitute plate
 - 10) Application for Registration
 - 11) Registration Slip
- Exhibit #6 Two color photos - 8" X 5 $\frac{1}{2}$ ", one of VIN Number HS130-129880 and one of an area where VIN Number has been obliterated.
- Exhibit #7 Three color photos - 8" X 5 $\frac{1}{2}$ " of interior, front, rear and outside of Datsun 280ZX with hood raised.
- Exhibit #8 One color photo - 8 X 5 $\frac{1}{2}$ " depicting partially obliterated VIN Number OR03A152975
- Exhibit #9 One 8" X 5 $\frac{1}{2}$ " color photo depicting VIN Number GFL08896A
- Exhibit #10 Eight pages of photo-copies of various Department of Motor Vehicles documents
- Exhibit #11 Five pages of photo-copies of various Department of Motor Vehicles documents
- Exhibit #12 Two color photos - 8" X 5 $\frac{1}{2}$ " of late model Mustang, right side and left side.

The following exhibit was entered into evidence by the Defense:

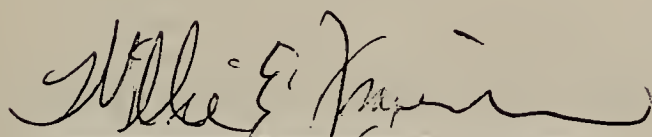
Exhibit A 15 Page Document/Search Warrant

After listening to testimony from the above parties, the Hearing adjourned at 12:15 p.m. and the matter was continued to Wednesday, October 17, 1984 at 10:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
 ABSENT: Commissioners Toler, Sanchez



THE MEETING WAS THEN ADJOURNED

A handwritten signature in dark ink, appearing to read "Willie E. Frazier", written in a cursive style. The signature is positioned above a horizontal line.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



17 OCTOBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice 850 Bryant Street, on Wednesday, October 17, 1984 at 1000 hours in a Special Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder
 ABSENT: Commissioners Toler, Sanchez

1. Attorney-Client Conference

Commissioner Sanchez presiding.

RESOLUTION NO. 1191-84

CONTINUATION OF THE HEARING OF OFFICER NICANOR E. GUERRA,
 RICHMOND STATION

The matter of the hearing of Officer Nicanor E. Guerra, Richmond Station, was called it having been continued from the meeting of October 9, 1984.

Officer Nicanor Guerra, appeared in person and was represented by Mr. William T. Beirne, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The following named witnesses were called by the Prosecution, were sworn and testified:

Ronald Erickson	Millbrae, California
Officer David P. Herman	Northern Station

The following named witnesses were called by the Defense, were sworn and testified:

Mr. Siu Kon li	Kon Li Auto Body Shop 120 11th Street/SF
Mr. Tung Kwan Lam	Gold Star Company 6 South Linden Avenue South San Francisco

Mr. Christopher Hall Attorney for Mr. Siu Kon Li, and Mr. Tung Kwan Lam, advised them as to how they should testify.

Sergeant Edward A. Torres	Traffic Division/Solos
Officer Steven Bosshard	Potrero Station
Mr. Gordon Armstrong	Assistant Public Defender

The following exhibit was entered into evidence by the Prosecution:

Exhibit #13	Four 10" X 8" black and white photos of wrecked Datsun 280ZX
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After listening to testimony from the above parties, The Commission then adjourned at 1240 hours, and the matter was continued to Wednesday, October 31, 1984 at 1000 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
 ABSENT: Commissioners Toler, Sanchez

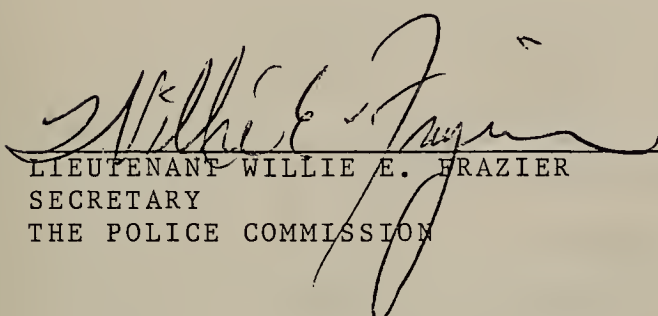


Recess taken during the Hearing of Officer Guerra:

10:42 p.m. to 11:05 p.m.

(The entire proceedings were taken in Shorthand
Form by Lowell E. Torno, CSR.)

THE MEETING WAS THEN ADJOURNED AT 12:40 P.M.



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



11 OCTOBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, October 11, 1984 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Hsieh, Nelder, Toler
 ABSENT: Commissioners Sanchez, Daly

1. Attorney-Client Conference
2. Personnel Matter

Commissioner Nelder presiding

11 OCTOBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, October 11, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioner Hsieh, Nelder, Toler
 ABSENT: Commissioners Sanchez, Daly

Commissioner Nelder presiding

APPROVAL OF MINUTES

Approval of Minutes of the meeting of August 30, 1984
 The Commissioners having received, amended, and returned copies of same.

APPROVAL OF CONSENT CALENDARRECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS.2400 LOMBARD ST. (LOMBARD ST) "SCOTT'S BAR & GRILL" GRANT

At Lombard, 18 feet North west corner of Scott and Lombard from end of existing white zone. Extending 18 feet for a total of 36 feet. (last 18 feet is meters)

1604 UNION ST (FRANKLIN ST.) "ACCESS HEALTH CARE" GRANT

At North West corner of Franklin and Union at building line extending 42 feet North in length. INSTALL 42 feet North in length. INSTALL 42' white zone.

50 CALIFONRIA ST. #1205 "DERINGER DEVELOPMENT GROUP" GRANT

INSTALL 40' white zone from 22' north of parking meter MIS 1654 to 62' north INSTALL meter MIS 1650.

1175 FOLSOM ST. "L' IMAGE" GRANT

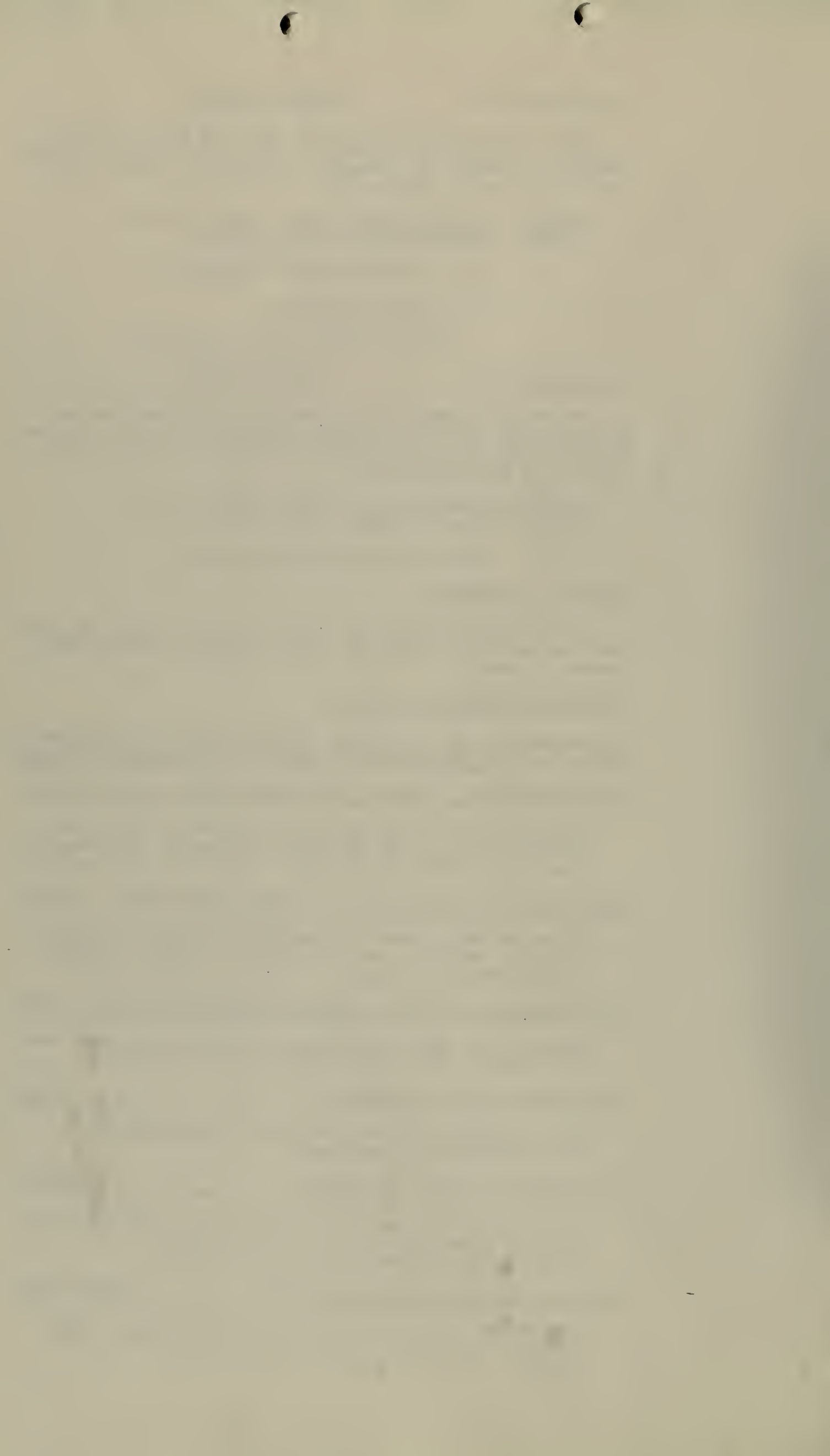
From property line 22 feet East of West property line INSTALL 22' green zone.

100 POTRERO ST. "D.L.I. REALTY" GRANT

At property line at north west corner of Alameda and Potrero extending south 21 feet south feet to red zone at fire hydrant. INSTALL 21' green

1122 VAN NESS AVE. "ADELINE BAKERY" REVOKE/GRANT

REVOKE 50' yellow 50' north from crosswalk at Geary
 INSTALL 30' yellow south of Cedar Alley 48' to 78' south.



1401 KEITH ST. (OAKDALE) "GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL" GRANT

46 feet south from SW crosswalk to 1409 Keith INSTALL 2 signs "school bus only" 0730 a.m. - 330 p.m. Monday thru Friday.

1391-1399 KEITH ST. (OAKDALE) "GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL" GRANT

66 feet north from crosswalk (NW) on Keith N. INSTALL 2 signs "school bus only" 0730 a.m. - 330 p.m. Monday thru Friday.

537 STEVENSON ST. "GREAT CITIES TRADERS" GRANT

36 feet west from east building line. INSTALL 36' yellow.

4339 BALBOA ST. "LAUNDRY AND CLEANING ESTABLISHMENT" REVOKE

23 feet east of west building line REVOKE 23' green.

900 MINNESOTA ST. "ESPIRIT CLOTHING" REVOKE

46 Feet from 48 feet to 94 feet north of south line. REVOKE 46' yellow.

2532-2540 OCEAN AVE. "PETRINI MANOR MARKET" REVOKE

REVOKE 40' yellow Diagonal parking. 12 feet to 52 feet east of east property line. Replace with 3 meters. (East of parking meter 2532 Ocean to east parking meter 2540 Ocean to east parking meter 2540 Ocean).

536 LEAVENWORTH "S.F.P.D." REVOKE

20 feet south of north building line to 40 feet south. REVOKE 20' yellow.

906 SHOTWELL "DAVIS ELECTRIC CO." REVOKE

20 feet to 40 feet of south building line. REVOKE 20' yellow

1991 CALIFORNIA "S.F.P.D." REVOKE

From 10 feet to 34 feet east of Octavia. REVOKE 24' white.

901 TAYLOR ST (PINE ST.) "S.F.P.D." REVOKE

From south building line 16 feet north. REVOKE 16' White.

2111 HYDE ST. (FILBERT ST.) "S.F.P.D." REVOKE

48 feet to 98 feet north of Filbert. REVOKE 50' White.

4345 BALBOA ST. "SEA CLIFF GROCERY" REVOKE

22 feet east of west building line. REVOKE 22' green.

1304 VALENCIA ST. "S.F.P.D." REVOKE

60 feet to 78 feet south of 24th St. REVOKE 18' green.

#2 GUERRERO ST. (MARKET ST.) "S.F.P.D." REVOKE

REVOKE 30' red zone from 2' south to 32' south of north property line.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 359 feet of green, blue, yellow, and white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.



Mr. Neil Dyer appeared before the Commission in regard to traffic Calendar item #18, and his letter to the Commission complaining of the possibility of losing their white zone or some portions of it, was read into the record by Commissioner Nelder. After listening to Mr. Dyer speak to Commissioner Nelder suggested that the item be removed from tonight's calendar and have Sergeant Newlin, work the problem out with Mr. Dryer. Commissioner Toler then made the motion to remove it and it was seconded by Commissioner Hsieh and unanimously approved.

The entire remaining portion of the consent calendar was approved.

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 1161-84

CONSUELO M. BEASLEY vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Consuelo M. Beasley in Superior Court No. 784-093 entitled "Consuelo M. Beasley vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 28, 1980

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1162-84

PATRICK BROSNAN & MARIA BROSNAN vs. CITY AND COUNTY OF SF

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Patrick Brosnan & Maria Brosnan in Superior Court No. 782-425 entitled "Patrick Brosnan & Maria Brosnan vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby denied.

Date of Incident: June 1, 1981

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1163-84

ABC TOWING (EZELL)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of ABC Towing (Ezell) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1164-84

ABC TOWING (FALSON)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of ABC Towing (Falson) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez



RESOLUTION NO. 1165-84ABC TOWING (LINKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Linker) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1166-84ABC TOWING (MAZION)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mazion) in the sum of \$34.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1167-84ABC TOWING (MILLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Miller) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1168-84ABC TOWING (WHITE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (White) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1169-84SAM BAUMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sam Bauman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez



RESOLUTION NO. 1170-84FOREST M. FULTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Forest M. Fulton, in the sum of \$76.28 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1171-84CHARLES E. JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles E. Jones, in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1172-84ELLEN F. JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen F. Jones in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1173-84MAY ADAIR KAISER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of May Adair Kaiser in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1984

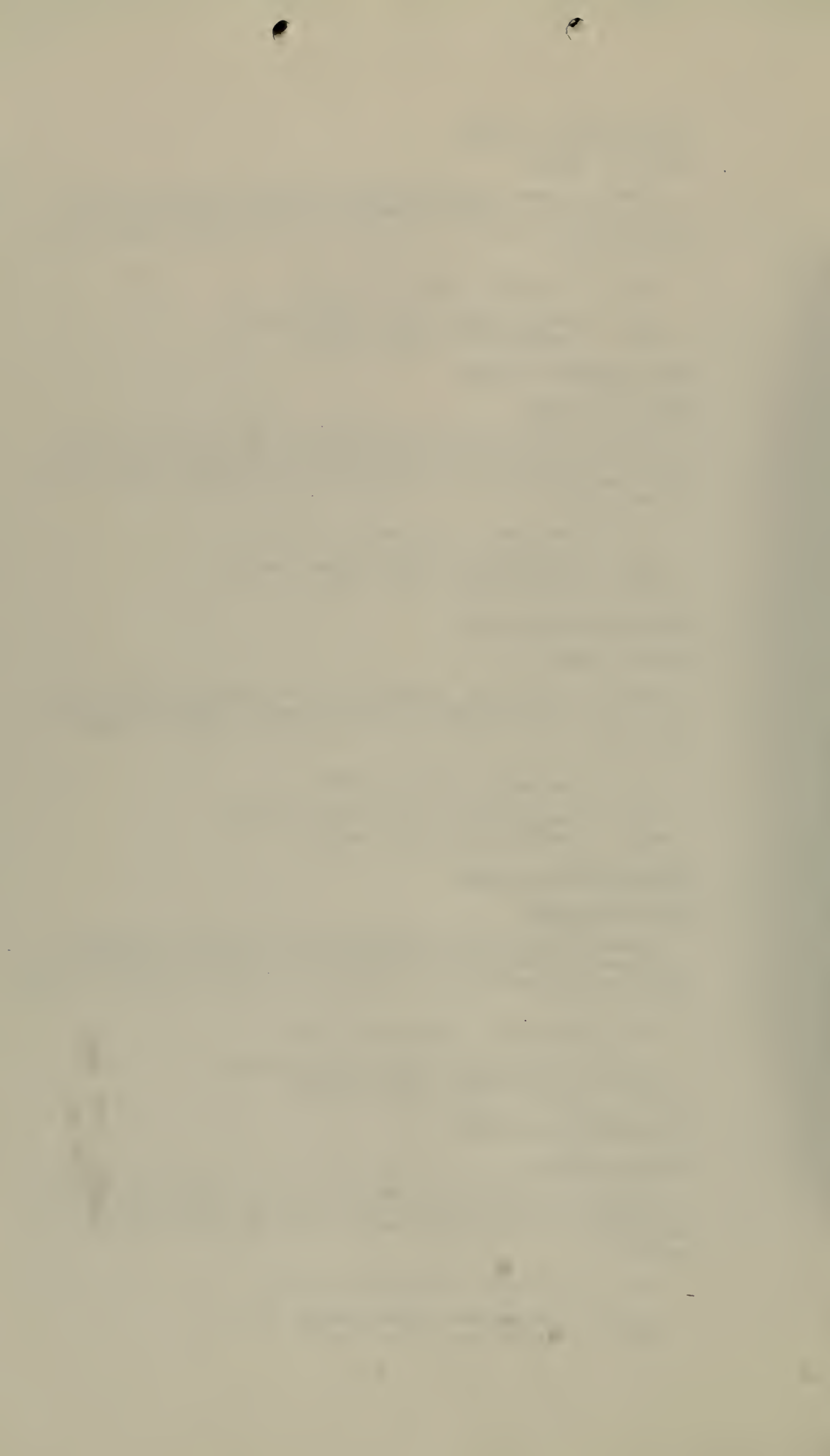
AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1174-84CORA W. LITTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cora W. Little in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez



RESOLUTION NO. 1175-84MOBEEN MALIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mobeen Malik in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1176-84LUCY RIOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucy Rios in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1177-84FRANK TRIEST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Triest in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1178-84HENOICK NELSON WELLING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henoick Nelson Welling in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1179-84EUGENE K. YOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene K. Yoo in the sum of \$56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1180-84ABC TOWING (ENIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Enis) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1984



AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1181-84

ABC TOWING (ALLEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Allen) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1182-84

KENNETH K. OMORI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth K. Omori in the sum of \$122.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1183-84

FLOYD STEPHEN JACOBSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Floyd Stephen Jacobson in the sum of \$156.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1984

AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 1184-84

MERLE S. KONIGSBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Merle S. Konigsberg in the sum of \$50.00 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: January 31, 1984

AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez

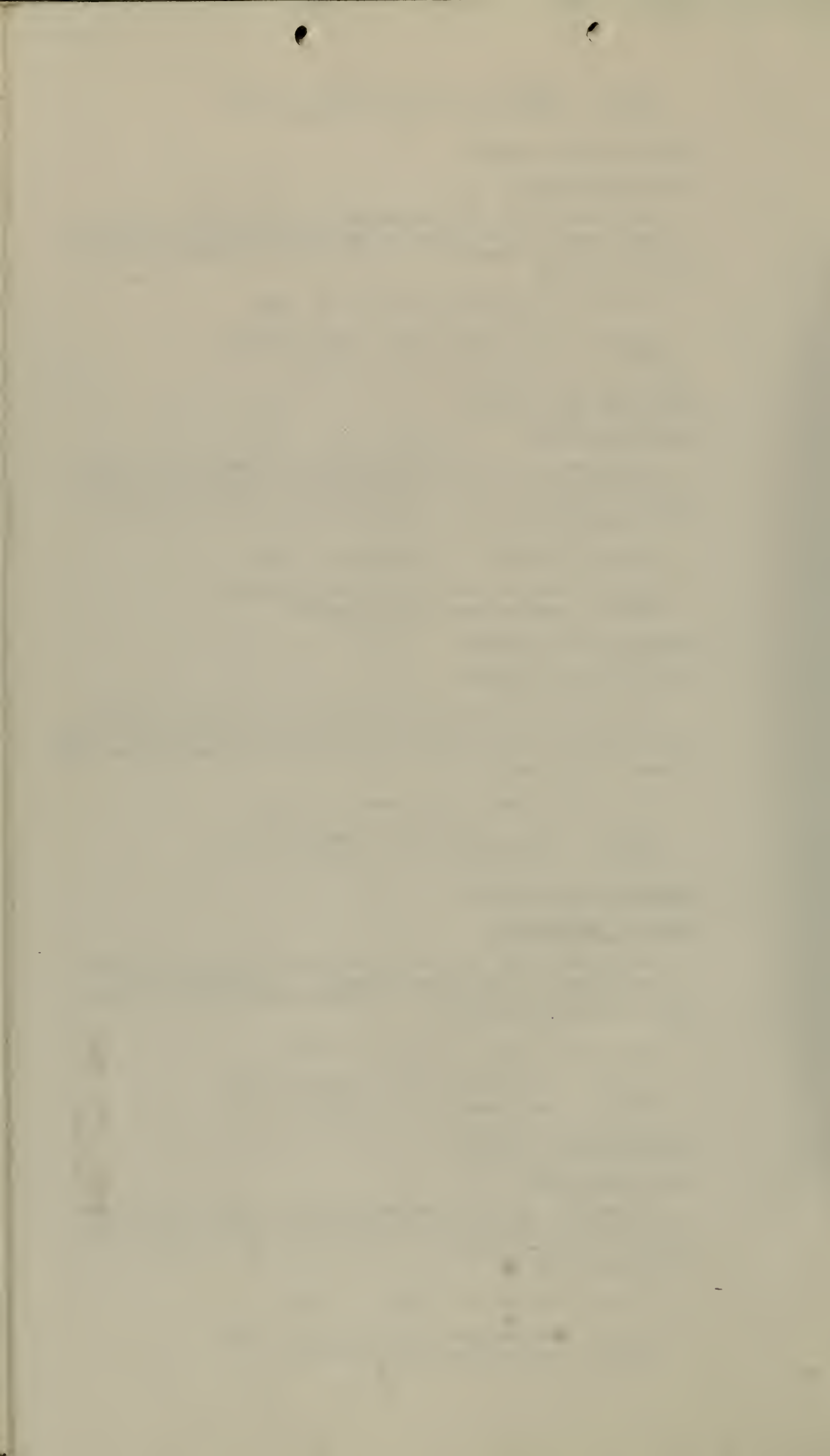
RESOLUTION NO. 1185-84

TED TERRY PETERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ted Terry Peters in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1984

AYES: Commissioners Toler, Hsieh, Nelder
 ABSENT: Commissioners Daly, Sanchez



RESOLUTION NO. 1186-84REGULA & JESSE JAMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regula and Jesse James in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1984

AYES: Commissioners Hsieh, Nelder, Toler
ABSENT: Commissioners Daly, Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder said the only report he had was that the Commissioners did have a meeting prior to convening tonight's public meeting, in Executive Session. No vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief had no report for the Commission tonight.

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION, AMOUNTING TO \$33,494, TO FUND TWO (2) NEW ANALYST POSITIONS IN THE CONSENT DECREE DIVISION

Mr. Ray Wong, of the Consent Decree, appeared on this item. He said the request is for two 1242 Personnel Analyst positions. He said currently the Consent Decree's work load for fiscal 84/85 calls for completion of the current Q60 Lieutenants Examination, completion of the current Q50 Sergeant's and Q35 Assistant Inspector's examinations, and to develop new examinations for those classes. He said additionally, they have to hold a new examination for Q2 Police Officer and begin the job analyst for the forth coming Captain's examination for the following year. He said the positions are needed to meet the work demands that his unit currently has.

Commissioner Hsieh then moved for approval. Commissioner Toler seconded and it was unanimously approved.

RESOLUTION NO. 1134-84

RESOLVED, that the Police Commission hereby approves the Supplemental Appropriation in the amount of \$33,494 to Fund Two (2) New Analyst Positions in the Consent Decree Division.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF WORK STATION DIVIDERS, VALUED AT \$4,000.00 FROM SOLEM AND ASSOCIATES, A LOCAL BUSINESS ESTABLISHMENT.

Deputy Chief Trueb appeared on this item and said that this is a similar item to the Levi Strauss matter where the Department was the recipient of the gift of some furniture. He said in this case it consists of partitions. He said this had the effect of creating a better work environment for those who work at their desk in certain areas of the Inspector's Bureau. He said in the past the Commission has acknowledged, by a letter of thanks, to those who have made such donations and he would request that this be done also at this time by Commission Resolution.

Commissioner Hsieh said that he would move that instead of the Commission sending a resolution out a letter thanking the donor for these items would be better. Commissioner Toler said he would second that motion and it was unanimously approved.



RESOLUTION NO. 1135-84

REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF WORK
STATION DIVIDERS, (VALUED AT \$4,000)

RESOLVED, that the request of the Cornelius P. Murphy, Chief of Police, to accept a gift of Work Station Room Dividers, valued at \$4,000, from Solem and Associates, a local business establishment, (to be used by the Investigations Bureau) be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

REQUEST OF OFFICER NICANOR GUERRA, RICHMOND STATION TO TAKE
LEAVE OF ABSENCE WITHOUT PAY FROM SEPT. 20, 1984 - OCT. 25, 1984
PENDING HIS HEARING

RESOLUTION NO. 1187-84

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES -
APPROVED

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, was suspended without pay effective 1000 hours, Tuesday, July 3, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Nicanor E. Guerra, Richmond Station, be placed on a Leave of Absence Without Pay at his request for a period of thirty-six (36) days commencing September 20, 1984 through October 25, 1984, inclusive, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Toler
ABSENT: Commissioners Daly, Sanchez

HEARING OF OFFICER HERSCHELL BRISCOE, RICHMOND STATIONRESOLUTION NO. 1136-84HEARING OF POLICE OFFICER HERSCHELL BRISCOE, RICHMOND STATION

WHEREAS, on August 31, 1984, George Eimil, Acting Chief of Police, made and served charges against Police Officer Herschell Briscoe, Richmond Station, as follows:

SPECIFICATION NO. 1

Failure to obey a lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Thursday, October 11, 1984 as the date for the hearing of charges filed against Officer Herschell Briscoe; and

WHEREAS, Attorney Stephen B. Bley announced the resignation of his client, Officer Herschell Briscoe, from the San Francisco Police Department; said resignation effective immediately, which resignation was accepted with the condition that the services of Officer Herschell Briscoe, have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Herschell Briscoe, be, and the same is hereby



continued off calendar.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

HEARING OF OFFICER DAVID RIOS, CENTRAL STATION

RESOLUTION NO. 1137-84

HEARING OF POLICE OFFICER DAVID RIOS, CENTRAL STATION

WHEREAS, the date set for the disciplinary hearing of Officer David Rios, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for January 17, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer David Rios, Central Station, is set for Thursday, January 17, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

REQUEST OF OFFICER LOUIS CLARK, PARK STATION, TO ACCEPT A GIFT/REWARD OF \$75.00 FOR THE CAPTURE OF A U.S. MARINE CORPS DESERTER.

RESOLUTION NO. 1139-84

REQUEST OF OFFICER LOUIS CLARK, PARK STATION, TO ACCEPT A GIFT IN THE AMOUNT OF \$75.00

RESOLVED, that the request of Police Officer Louis Clark, Park Station, to accept an award in the amount of \$75.00 for the capture of a U.S. Marine Corps Deserter, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder,
ABSENT: Commissioners Daly, Sanchez

HEARING OF OFFICER PAUL SWIATKO, MUNI TRANSIT DIVISION

The hearing of Officer Paul Swiatko, MUNI Transit Division, was called it having been set for this date. Police Officer Paul Swiatko was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Paul Swiatko appeared in person and was represented by Mr. George Zobe, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the Police Department.



A plea of guilty was entered on behalf of Officer Swiatko by his Attorney Mr. George Zube.

The charges filed against Officer Paul Swiatko were then read into the record.

The following named witnesses appeared for the Defense.

Officer Paul Swiatko	MUNI Transit Division
Captain Kenneth Foss	MUNI Transit Division
Captain William Scheffler	Central Station
Lieutenant William Kearny	Traffic Division

A closing statement was then made by Mr. George Zube for the Defense.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specification No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from the Chief of Police. It is the recommendation of Chief of Police, Cornelius P. Murphy, that Officer Paul T. Swiatko be suspended for 30 days for each charge.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1138-84

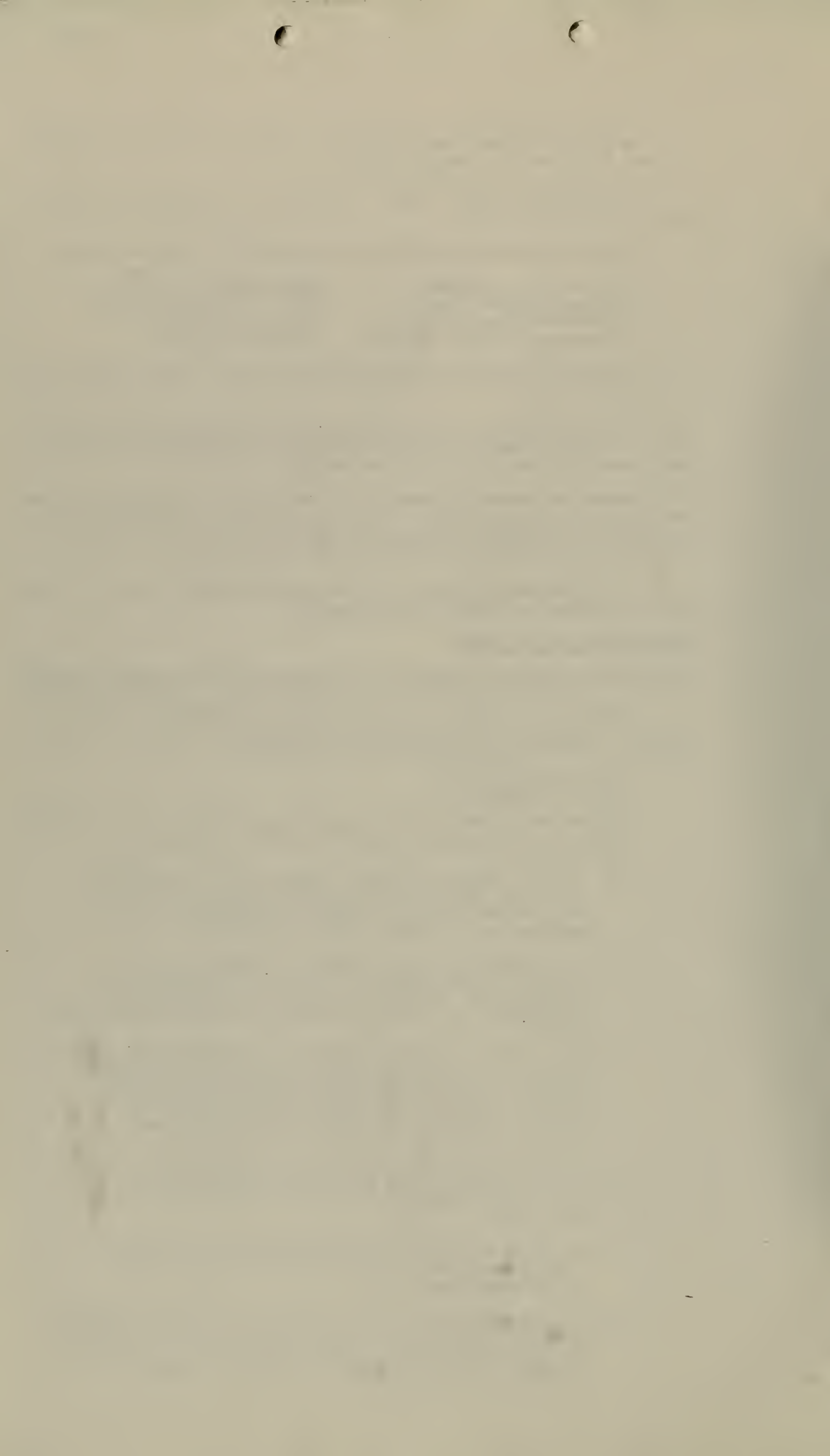
DECISION/HEARING OF OFFICER PAUL SWIATKO, MUNI TRANSIT DIVISION

WHEREAS, on July 21, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Paul T. Swiatko, MUNI Transit Division, as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

- (a) At all times mentioned herein, Paul T. Swiatko Star 82, was and is a police officer employed by the San Francisco Police Department and assigned to the MUNI Transit Division;
- (b) As a police officer, Officer Swiatko (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On or about June 19, 1984, at approximately 1630 hours, in Sausalito, California, the accused, while off duty, approached a female Sausalito Police Officer, who was working undercover decoy operation to abate prostitution, and solicited her for an act of prostitution;
- (d) Solicitation of an act of prostitution is a crime as defined in California Penal Code 647 (b);
- (e) On June 19, 1984, at approximately 1630 hours, the accused was cited for soliciting an act of prostitution;
- (f) By soliciting an act of prostitution, the accused failed to prevent crime which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:



"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers ability to take proper action at the time in question."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- (b) By failing to prevent crime and by subsequently being cited by an officer of the Sausalito Police Department, the accused has engaged in conduct which tends to subvert the good order, efficiency, or discipline of the Department which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

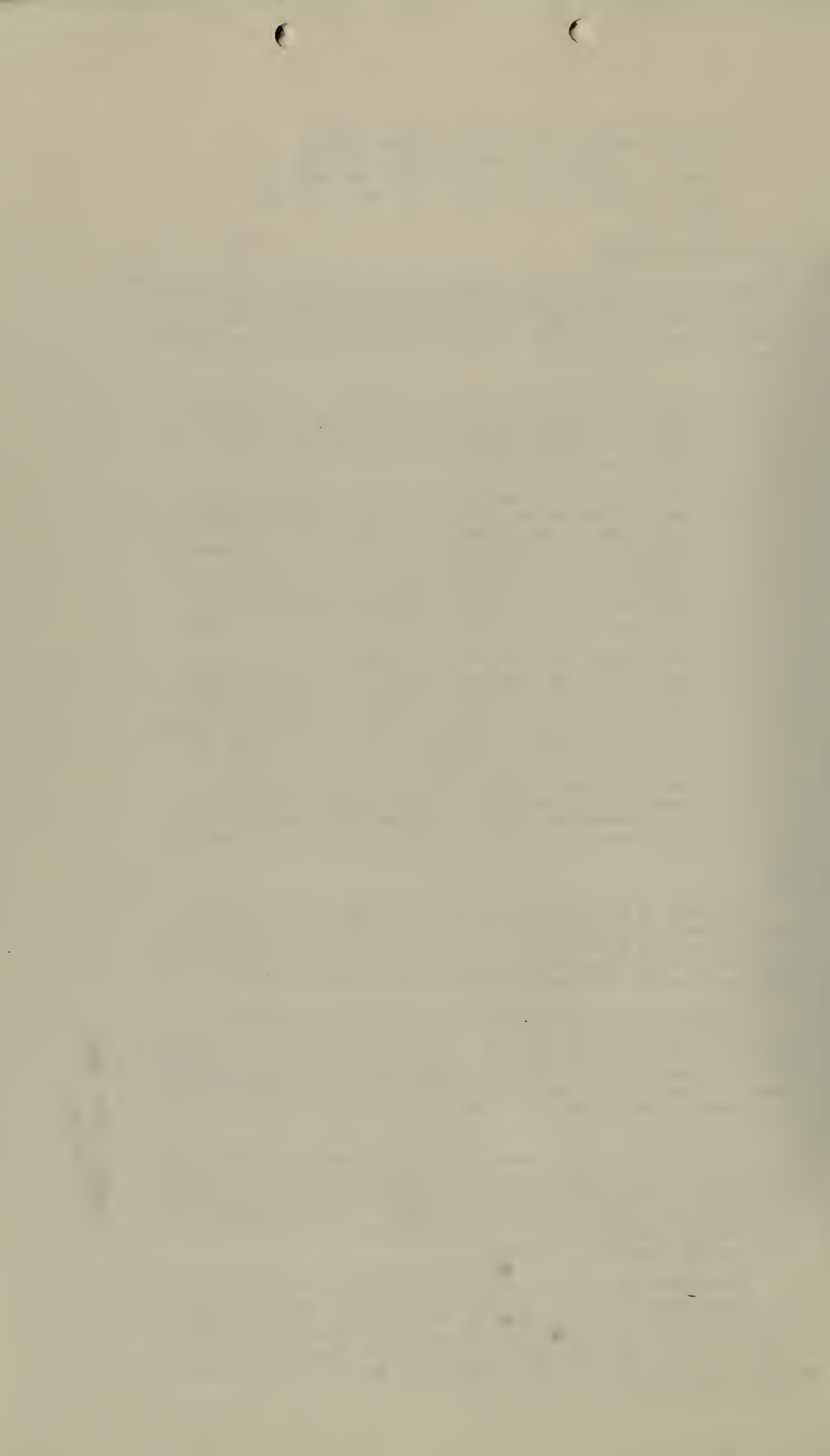
and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, October 11, 1984, and on Thursday, October 11, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, The Police Commission finds that the said charges made and filed against Officer Paul Swiatko as contained in Specification No. 1, violation of Rule A-2 of General Order D-1 and Specification No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2, as preferred by the Chief of Police against Officer Paul Swiatko, are sustained by the evidence presented. The Commission therefore adopts the language of said charges as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:



Specification No. 1 [penalty] 30 Days Suspension
Specification No. 2 [penalty] 30 Days Suspension

and be it further;

RESOLVED, that said suspension totaling 60 calendar days, shall commence on Friday, October 12, 1984 at 0001 hours and end on Monday, December 10, 1984 at 2400 hours.

AYES: Commissioners Toler, Hsieh, Nelder

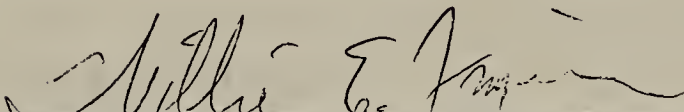
ABSENT: Commissioners Daly, Sanchez

Recess taken during the Hearing of Officer Paul Swiatko:

6:55 p.m. to 7:07p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 7:10 P.M.
IN MEMORY OF INSPECTOR GEORGE MURRAY



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



18 OCTOBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, October 18, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez
Commissioner Sanchez presiding.

APPROVAL OF MINUTES

Approval of Minutes of the meeting of September 6, 1984. The Commissioners having received, amended and returned copies of the same.

APPROVAL OF CONSENT CALENDARRECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:RESOLUTION NO. 1199-84JO ANNE & STEVE SANZERI

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Jo Anne and Steve Sanzeri in the sum of \$880.04 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1198-84CLARISSA J. OLSEN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Clarissa J. Olsen in the sum of \$10,000.00 in Superior Court No. 794-897 entitled "Clarissa J. Olsen v. City and County of San Francisco, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 4, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1200-84TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

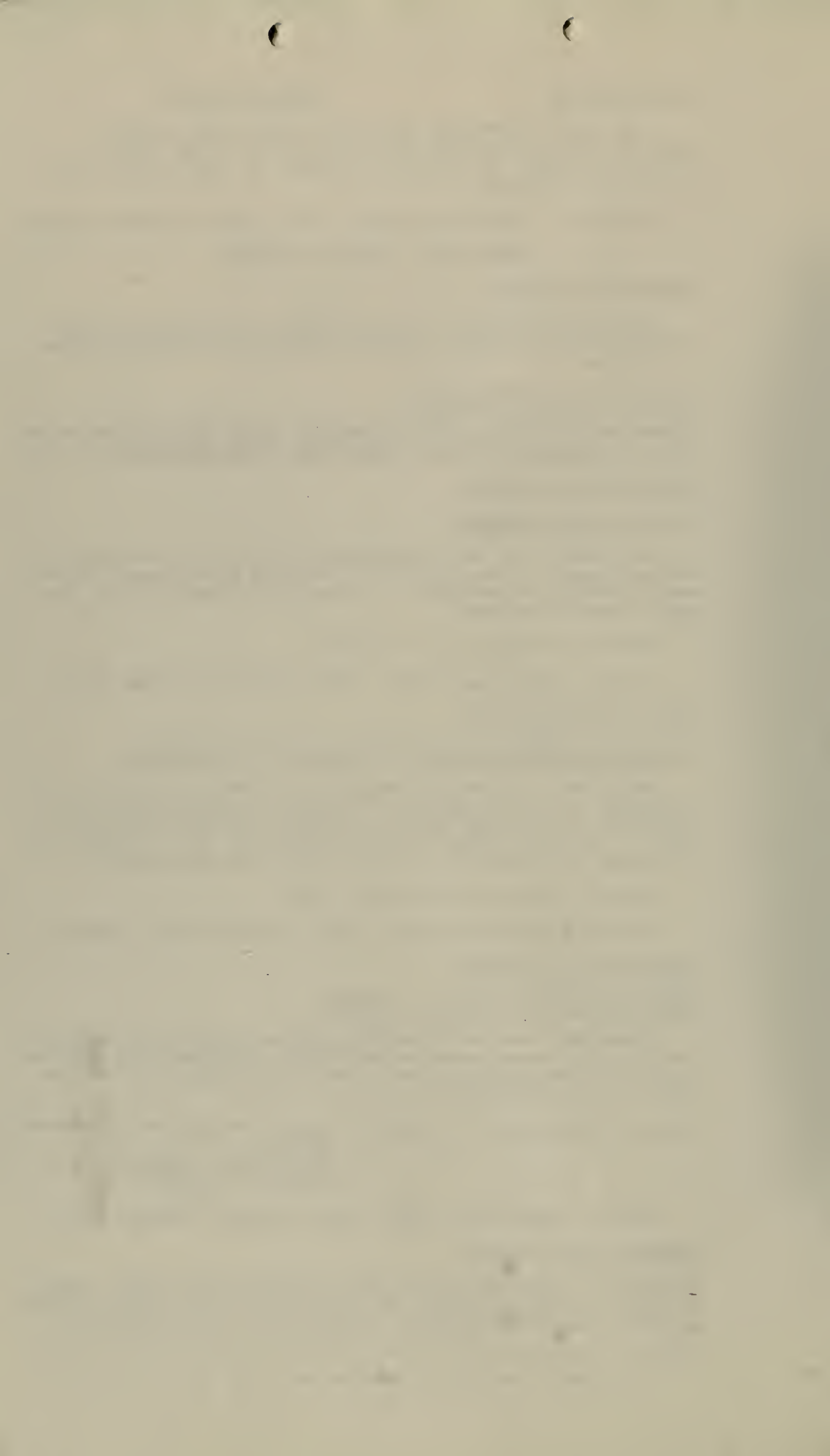
Officer Jerome Senkir	\$456.80	(Report Writing for Instructors Course (Santa Rosa, California (9/25/84 - 9/28/84)
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AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1204-84

AUTHORIZING ATTENDANCE OF OFFICERS LAWRENCE RYAN, DANIEL LAWSON AND ROY SULLIVAN, CRIMINAL LAW INSTRUCTORS AT THE POLICE ACADEMY, AT 1985 LEGAL UPDATE SEMINAR IN SANTA ROSA, CA ON NOVEMBER 20, 1984.

RESOLVED, that the recommendation of the Chief of Police



that Officers Lawrence Ryan, Daniel Lawson and Roy Sullivan, Criminal Law Instructors at the Police Academy, be, authorized to attend the 1985 Legal Update Seminar in Santa Rosa, California on Tuesday, November 20, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$64.80 each for tuition and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1205-84

AUTHORIZING ATTENDANCE OF SERGEANT ALAN BENNER, MISSION STATION, AT CALIFORNIA PEACE OFFICERS ASSOCIATION ALL-COMMITTEE TRAINING CONFERENCE IN SACRAMENTO, CA FROM NOVEMBER 15 TO NOVEMBER 18, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan Benner, Mission Station, be authorized to attend the California Peace Officers Association All-Committee Training Conference in Sacramento, California from November 15 to November 18, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$291.00 for subsistence, registration fees and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1202-84

AUTHORIZING ATTENDANCE OF INSPECTORS RAYMOND DRISCOLL, JOHN FOWLIE AND PETER GODBOIS, HIT AND RUN DETAIL, AND OFFICER GARY MANINI, MISSION STATION AT TRAFFIC ACCIDENT INVESTIGATION, TRAINING AND EDUCATION SYSTEM IN SACRAMENTO, CA FROM OCTOBER 29 TO NOVEMBER 9, 1984

RESOLVED, that the recommendation of the Chief of Police that Inspectors Raymond Driscoll, John Fowlie and Peter Godbois, Hit and Run Detail, and Officer Gary Manini, Mission Station, be authorized to attend the Traffic Accident Investigation, Advanced Course, conducted by the Northern California Criminal Justice Training and Education System in Sacramento, California from October 29 to November 9, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$632.00 each for subsistence and travel, plus tuition not to exceed \$525.00 each; total cost per officer, not to exceed \$1,157.00, all of which is reimbursable by P.O.S.T. The Department will be billed for the tuition after completion of the course.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 1203-84

AUTHORIZING ATTENDANCE OF SERGEANT DENNIS GUSTAFSON*, COMMUNITY SERVICES, AT MAKING CONTACT WORKSHOP, CONDUCTED BY PEOPLE CONSULTANTS, INC. AND THE CIVIL SERVICE MANAGEMENT DEVELOPMENT UNIT, CITY & COUNTY OF SAN FRANCISCO, IN SAN FRANCISCO FROM OCTOBER 30, 1984 TO NOVEMBER 1, 1984

RESOLVED, that the recommendation of the Chief of Police tha Sergeand Dennis Gustafson*, Community Services, be authorized to attend the Making Contact Workshop, conducted by People Consultants, Inc. and the Civil Service Management Development Unit, City and County of San Francisco, California, from October 30th to November 1, 1984, be, and the same is hereby approved; and be it further



RESOLVED, that expense in the amount of \$90.00 for tuition will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

* Sgt. Gustafson substituted on 10/25/84 because of disability of Captain Paul Kotta who will be unable to attend.

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER JAMES SPEROS, OFFICER LEON LOEW, FROM CENTRAL STATION, AND OFFICER CLIFFORD JAVA, INGLESIDE STATION, BE AUTHORIZED TO ATTEND THE GANG SEMINAR, CONDUCTED BY THE NATIONAL LAW ENFORCEMENT INSTITUTE, IN MILLBRAE, FROM NOVEMBER 28TH TO NOVEMBER 30, 1984, EXPENSES IN THE AMOUNT OF \$100.00 EACH WILL BE DEFRAID FROM THE DEPARTMENT TRAINING FUND.

RESOLUTION NO. 1206-84

AUTHORIZING ATTENDANCE OF OFFICER JAMES SPEROS AND LEON LOEW, CENTRAL STATION, AND OFFICER CLIFFORD JAVA, INGLESIDE STATION, AT GANG SEMINAR, CONDUCTED BY THE NATIONAL LAW ENFORCEMENT INSTITUTE, MILLBRAE, CA FROM NOVEMBER 28 TO 30, 1984

RESOLVED, that the recommendation of the Chief of Police that Officers James Speros and Leon Loew, Central Station, and Officer Clifford Java, Ingleside Station, be authorized to attend the Gang Seminar, conducted by the National Law Enforcement Institute in Millbrae, California from November 28 to 30, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$100.00 each for tuition will be defrayed from the Department Training Fund. There will be no salary cost as these officers will attend this course during their days off.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT CRIMINALIST DEBBIE WAKIDA, CRIMINALISTICS DIVISION, BE AUTHORIZED TO ATTEND THE BIOCHEMICAL METHODS IN BLOODSTAIN ANALYSIS COURSE, CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN QUANTICO, VIRGINIA FROM OCTOBER 21st TO NOVEMBER 2, 1984, EXPENSES WILL BE PAID BY FBI.

RESOLUTION NO. 1201-84

AUTHORIZING ATTENDANCE OF DEBORAH J. WAKIDA, CRIMINALISTICS DIVISION, AT BIOCHEMICAL METHODS IN BLOODSTAIN ANALYSIS COURSE CONDUCTED BY FBI IN QUANTICO, VA FROM OCTOBER 21 THROUGH NOVEMBER 2, 1984

RESOLVED, that the recommendation of the Chief of Police that Criminalist Deborah J. Wakida, Criminalistics Division, be authorized to attend the Biochemical Methods in Bloodstain Analysis Course, conducted by the Federal Bureau of Investigation in Quantico, Virginia from October 21 through November 2, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses will be paid by the Federal Bureau of Investigation.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez stated that the Police Commission met this afternoon in Executive Session in accordance to the Brown Act pertaining to Attorney Client Conference no vote



was taken. In addition, he said he would just like to stress that the application process, for the Director of OCC has been advertised, for the candidacy of this position and if there is anyone interested, the Commission wants to remind them that the 24th is the closing deadline.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy stated to the Commission that he had no report tonight.

REQUEST OF OFFICER NICANOR GUERRA, RICHMOND STATION, TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FROM OCTOBER 25TH TO NOVEMBER 5, 1984, PENDING HIS HEARING BEFORE THE POLICE COMMISSION

RESOLUTION NO. 1193-84

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES-APPROVED.

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, was suspended without pay effective 1000 hours, Tuesday, July 3, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Nicanor E. Guerra, Richmond Station, be placed on Leave of Absence Without Pay at his request for a period of twelve (12) days commencing October 25, 1984 through November 5, 1984, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER NIAL J. PHILPOTT, MISSION STATION

RESOLUTION NO. 1196-84

POLICE OFFICER NIAL J. PHILPOTT, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Niall J. Philpott, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).



by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of disciplinary charges filed against Police Officer Niall J. Philpott, Mission Station, is set for Thursday, December 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler
NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER SCOTT
G. QUINN, MISSION STATION

RESOLUTION NO. 1197-84

POLICE OFFICER SCOTT G. QUINN, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Scott G. Quinn, Mission Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Scott G. Quinn, Mission Station, is set for Thursday, December 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

In regards to the above resolutions Mr. John Prentice said that he has registered his objection before on similar cases and he is doing the same tonight in that he did not feel that the hearings on these two officers should go forward because of the criminal charges pending against them. He said if the Officers are compelled to testify before the Commission then the testimony given here could be used against them in the criminal hearing. He said also, if they refused to testify here that could be used against them in this disciplinary hearing as a result it is a delimma for these officers and he would therefore make a motion that this matter not be heard until after the Criminal charges are adjudicated.



Commissioner Nelder reminding Mr. Prentice that the Commission adopted the policy to proceed on these matters as the Commission would be subject to extreme criticism cases such as these do not move along. He said the Commission felt that if there is innocence it should flow from the testimony of witnesses here as well as any place else. So he said, he would go along with the recommendation that the matter be heard by the Commission on December 13th. Commissioner Sanchez then advised Mr. Prentice that the matter has been discussed by the Commission and the record will show that he, Prentice, had objected. Commissioner Daly then moved that it be heard that date, seconded by Commissioner Nelder and unanimously approved.

HEARING OF OFFICER ROBERTO SALINAS, SOUTHERN STATION

The hearing of Police Officer Roberto Salinas, Southern Station, was called it having been set for this date. Police Officer Roberto Salinas was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly and verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Roberto Salinas appeared in person and was represented by Mr. Jerome DeFillippo, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

Mr. Jerome DeFillippo, Attorney for the Defense, made the following statements:

Admission 1 - At approximately April 20, 1984, 8:30 or 2030 hours, the accused was stopped by members of the California Highway Patrol on Interstate 24 in Contra Costa County.

In stipulation 2, at approximately 9:30 or one hour following that the accused submitted to a breathalyzer or breath intoxilizer examination and the result of that examination was .11. Those are in the form of an admission on behalf of Officer Roberto Salinas.

Commissioner Nelder moved to accept the admissions as stated and was seconded by Commissioner Toler and unanimously approved.

An opening statement was made by Mr. Michael Gash, attorney for the San Francisco Police Department.

Opening statement was reserved by Attorney Defillippo until completion of Prosecution's case.

The following witness appeared for the Prosecution, was sworn and testified:

Officer Randy Mecham
California Highway Patrol
Contra Costa County



An opening statement was not made by Attorney Jerome DeFillippo for the Defense.

The following named witnesses appeared for the Defense, were sworn and testified:

Dr. Michael Slade
Forensic Toxicologist

Officer Roberto Salinas
Company B
Assigned to TSB Records

Captain Robert M. Forni
Commanding Officer, Co. B

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 CHP Arrest Report dated 4/20/84 by
 CHP Officer Randy Mecham

Closing statements were made by both Prosecuting and Defense attorneys.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specifications No. 1 and No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Robert Salinas be suspended for a total of 90 days, said 90 days to be held in abeyance provided that Officer Salinas receives counseling and participates in the Stress Program under General Order D-4. A report on his condition should be submitted to the Commission within 30 days.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1195-84

DECISION - HEARING OF OFFICER ROBERTO SALINAS, SOUTHERN STATION

WHEREAS, on July 13, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Officer Roberto Salinas Southern Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department)

- (a) At all times herein mentioned, Roberto Salinas, Star 2032, (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to Southern Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;
- (c) On April 20, 1984, at about 2030 hours, the accused, while off-duty and driving his personal motorcycle, was arrested by a California Highway Patrol Officer for violation of California Vehicle Code 23152(b), a misdemeanor;
- (d) Vehicle Code 23152(b) makes it unlawful for any person who has 0.10 percent or more, by weight of alcohol in his or her blood, to drive a vehicle;



- 91
- (e) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused by driving a vehicle on the highways of the State of California in violation of Vehicle Code 23152(b), not only failed to prevent crime, but engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers Shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) The allegations contained in Specification No. 1, paragraphs (a) through (e), are hereby incorporated by reference as if fully set forth herein;
- (b) The accused, by failing to prevent crime and by being arrested by a California Highway Patrol Officer, has engaged in conduct which tends to subvert the good order, efficiency, or discipline of the department and which reflects discredit upon the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

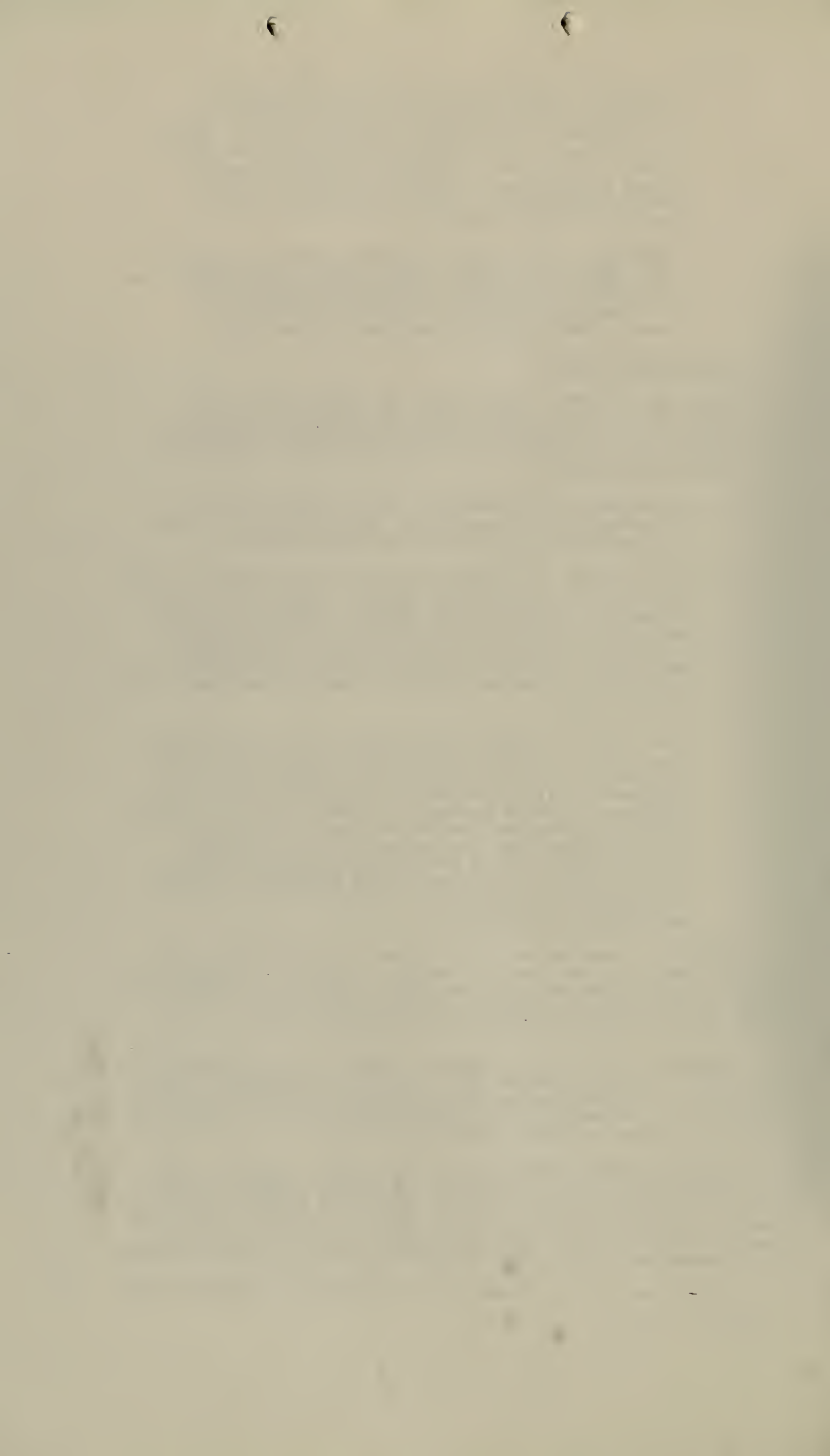
"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, October 18, 1984 and on Thursday, October 18, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Officer Roberto Salinas are sustained by an admission by Officer Roberto Salinas through his attorney Jerome DeFillipo; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specifications No. 1 and No. 2 (penalty) 90 calendar days
and be it further



RESOLVED, that said suspension of 90 days, 80 of which shall be in abeyance provided that Officer Roberto Salinas shall serve a suspension of 10 calendar days commencing on Saturday, October 20, 1984 at 0001 hours to and including Monday, October 29, 1984 at 2400 hours. Thereafter, he shall submit to the Commission Secretary within 30 days the result of his counseling and evaluation report as to his fitness for future participation in the Department's Stress Program in accordance with General Order D-4 of San Francisco Police Department.

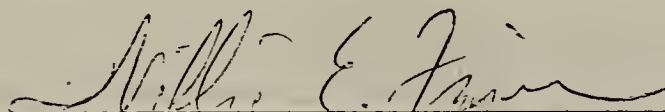
AYES: Commissioners Hsieh, Nelder, Sanchez, Toler,
ABSENT: Commissioner Daly

Recess taken during the hearing of Officer Roberto Salinas

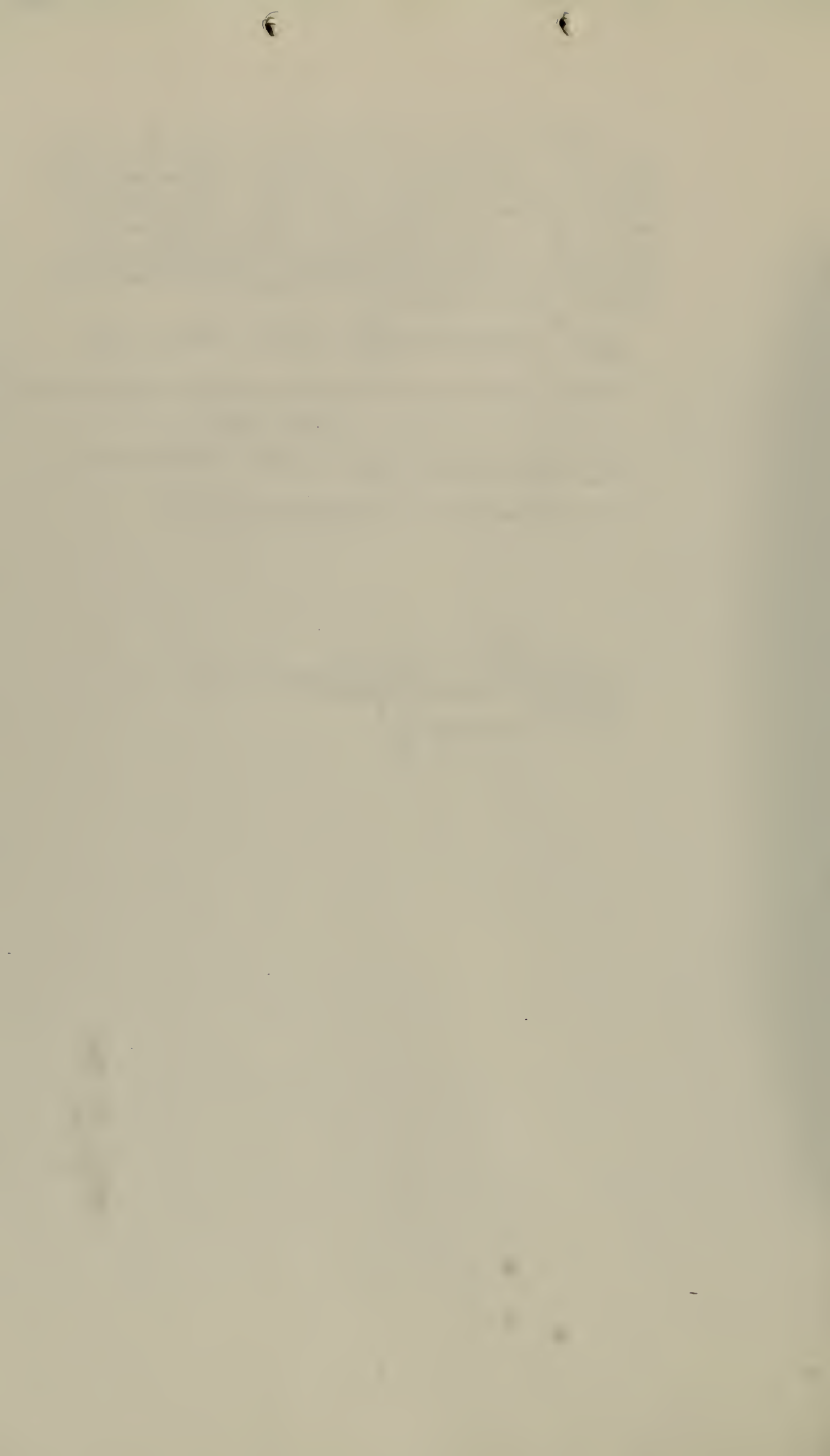
8:01 p.m. to 8:15 p.m.

(The entire proceedings were taken in shorthand form
Ms. Linda Pransky, CSR).

THE MEETING WAS THEN ADJOURNED AT 10:30 PM



LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION



25 OCTOBER 1984SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, October 25, 1984 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

1. Personnel matter

Commissioner Sanchez presiding.

25 OCTOBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, October 25, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

APPROVAL OF MINUTES

Approval of Minutes of the meeting of September 13, 1984. The Commissioners having received, amended and returned copies of the same.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS.

620-7TH ST. "SHOWPLACE CONCOURSE" GRANT

INSTALL 66' yellow from 34' south of red zone to the north edge of south building line.

3750 GEARY "FAST MART STORE & SOUTHERN RESTAURANT" GRANT

INSTALL 22' Special Truck Loading 22' east of meter 3726 - place sign on meter 3726 7am to 11am STLZ

2340 SAN BRUNO AVE. "MATTHEW ZION CHURCH" GRANT

INSTALL 22' white 22' north from south property

615 POST ST. "EMPEROR NORTON HOTEL" GRANT

INSTALL 22' white zone 22' south of meter POS 609 place sign on meter 609 for passenger zone noon to 6 pm.

306 CONNECTICUT ST. "CONNECTICUT ST. PLANT SUPPLIE" GRANT

INSTALL 18' green zone from north property line 18' south.

2511 24TH ST. (SAN BRUNO) "CREATIVITY EXPLORED" GRANT

INSTALL 22' white zone 22' west of east property line of 2511 24th Street.

2101 IRVING ST. (22ND AVENUE) "22ND & IRVING PRODUCE MKT." GRANT

INSTALL 54' yellow from meter #1303 54' south to north property line at 1319-22nd Avenue.



728 WASHINGTON ST. "GOLDEN PHOENIX" GRANT

INSTALL 20' special white zone from 1' of west property line on meter 716 SPECIAL PASSENGER SIGN
11 am - 10 pm

925 MISSION ST. (HOWARD ST.) "SAN FRANCISCO CHRONICLE" GRANT

INSTALL 22' SPECIAL TRUCK ZONE at meter 916 Howard - place sign on meter STLZ 7am - 1pm

1300 STOCKTON ST. "BERKELEY FARMS" GRANT

INSTALL 40' STLZ at parking meter 1328 & 1330
INSTALL sign STLZ 7 am - 1pm repaint 50' yellow zone between meter 1328 & 1330

#10 CLEVELAND ST. "THE NEW LAB" REVOKE/GRANT

REVOKE 48' yellow from 9' to 57' west of Sherman
INSTALL 24' green from 12' west to 36' west of Sherman.

SOUTH PARK UNIT (21 to 27) "ARTHUR COURT DESIGN" REVOKE/GRANT

INSTALL 18' yellow from 0' to 18' east of west building line at 21 South Park - INSTALL 16' yellow west of east building line at 27 South Park - REVOKE 12' yellow from 18' to 30' east of west building line of 21 South Park.

2200 PINE ST (2201) "PINE & WEBSTER GROCERY" GRANT

REVOKE 22' yellow from east property line 22' west
INSTALL 22' green west of east property line.

900 MINNESOTA "S.F.F.D." REVOKE

REVOKE 66' green from south property line 901
Minnesota 66' north REVOKE 52' green north of south building line.

890 MINNESOTA "S.F.P.D." REVOKE

REVOKE 45' yellow 5' to 50' south of driveway at north end of property.

740 WASHINGTON "NAM YUEN RESTAURANT" REVOKE

REVOKE 22' of existing white 44' zone from 6' west to 16' east of west property line. INSTALL meter

700 SUTTER ST. (701-707) "S.F.P.D." REVOKE

REVOKE 20' white zone from 8' to 28' west of Taylor
REVOKE 31' yellow west of the east line

1765 CALIFORNIA "GERMAN MOTORS CORP." REVOKE

REVOKE 15' yellow located between 2nd & 3rd driveway INSTALL 30' minute meter

800 MINNESOTA (800-808) "S.F.P.D." REVOKE

REVOKE 30' yellow from 26' to 56' north of the south line of building.

1972 LOMBARD "S.F.P.D." REVOKE

REVOKE 32' yellow from end of existing white at 1968 Lombard.

343-4TH ST. "S.F.P.D." REVOKE

REVOKE 42' green from 15' to 57' south of Shipley St.



2503-24TH STREET "S.F.P.D."

REVOKE

REVOKE 40' yellow from 10' to 50' west of San Bruno Ave.

1469 PACIFIC AVE. "S.F.P.D."

REVOKE

REVOKE 32' green from 22' to 54' west of east property line.

782 ARGUELLO "S.F.P.D."

REVOKE

REVOKE 52' green north of south line of building -
REVOKE 33' yellow north of the south line of 776 Arguello - REVOKE 32' green north of south line of building.

2300 STEINER ST. "DON WILSON"

REVOKE

REVOKE 20' white north of south line of building.

12 HALE "S.F.P.D."

REVOKE

REVOKE 30' yellow east of the west line of building

355 FOURTH ST. "S.F.P.D."

REVOKE

REVOKE 21' yellow from 3' north of to 18' south of north building line.

801 MINNESOTA "S.F.P.D."

REVOKE

REVOKE 51' green to extend 27 to 78' south of 20th Street.

1101 VAN NESS AVENUE "S.F.P.D."

REVOKE

REVOKE 20' white from 3' to 23' south of Cedar Street
REVOKE 16' white to extend in between driveways.

203 WILLOW ALLEY "ARTHRITIS FOUNDATION"

REVOKE

INSTALL 22' blue zone from 22' west of meter #206
REMOVE meter and install handicap sign

REVOKED

RESOLVED, that the recommendation of Traffic Bureau on the revocation of 719 feet of green, blue, yellow, and white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.

Sergeant John Newlin said that there were people in the audience tonight for Number 17 of the Traffic Calendar representing the Third Baptist Church. He said he had received either a letter or a phone call complaining about excessive blue zone in an area where parking was really restricted and the blue zone was to facilitate the Third Baptist Church which has two private parking lots. He said the Department's recommendation is to reduce the blue zone in half and encourage the church to provide blue zone parking in their parking lot for church services so that the one additional on street space could be there to balance the needs of the community with the needs of the church.

A Mr. Robinson from Third Baptist then addressed the Commission on the issue. He said he had a letter that was written to the Chief and the Chief's response which at this time he would read into the record.



After listening to Mr. Robinson and one other person from the Church and some further discussion on the issue, Commissioner Nelder moved that the matter of Item Number 17 be removed from the Traffic Calendar this date and that the issue be worked out with the church representatives and Sergeant John Newlin with a report at a later date to the Commission of the results. Commissioner Toler seconded and it was unanimously approved.

The entire consent calendar was unanimously approved.

APPROVAL OF TRAVEL EXPENSE VOUCHERS SUBMITTED BY THE FOLLOWING NAMED-MEMBERS OF THE POLICE DEPARTMENT

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 1219-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Inspector Thomas Horan	(Annual Training Conference
Officer Thomas DelTorre	of the California Crime
(\$244.00 Each)	Prevention Officers Assn.
	(Sacramento, California
	(09/19/84 - 09/21/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1220-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Criminologist Shoji Horikoshi	(12th Annual Symposium on
(\$579.00)	Crime Lab Development
	Quantico, Virginia
	09/24/84 - 09/27/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1221-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Officer Robert Hernandez	(Clandestine Drug Lab Course
Officer Thomas Cleary	(Sacramento, California
(\$226.00 Each)	(09/25/84 - 09/27/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1222-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved:

Sergeant Frank Harrington	(Specialized Surveillance
Sergeant Daniel O'Leary	Equipment Course
(\$342.00 Each)	(Sacramento, California
	(09/24/84 - 09/28/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1223-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Inspector David Lambrecht	(Fraud Investigator School
Inspector Frederick Groven	(San Diego, California
(\$424.00 Each)	(09/26/84 - 09/28/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 1224-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant Gerald McCarthy	(Bomb Technician and Investi-
(\$439.00)	gator's In-Service Training
	(Tucson, Arizona
	(10/03/84 - 10/05/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 1225-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Officer Tom Leslie	(Narcotic Investigation
(\$684.00)	Course
	(Sacramento, California
	(09/09/84 - 09/21/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER GEORGE STASKO, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND THE URBAN TERRORIST ACTIVITY COURSE IN SACRAMENTO, CALIFORNIA CONDUCTED BY THE CALIFORNIA DEPARTMENT OF JUSTICE FROM NOVEMBER 5th -9th 1984

RESOLUTION NO. 1211-84

RESOLVED, that the recommendation of the Chief of Police that Officer George Stasko, Tactical Division, be authorized to attend the Urban Terrorist Activity Course in Sacramento, California conducted by the California Department of Justice from November 5, 1984 to November 9, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$342.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT FORTY (40) SELECTED PERSONNEL OF THE FIELD OPERATIONS BUREAU/PATROL DIVISION, AND DEPARTMENT INSTRUCTORS, BE AUTHORIZED TO ATTEND A FIELD TRAINING OFFICER SEMINAR IN SANTA CRUZ, CALIFORNIA FROM NOVEMBER 4th TO NOVEMBER 8, 1984

RESOLUTION NO. 1212-84

RESOLVED, that the recommendation of the Chief of Police



that Forty (40) selected personnel of the Field Operations Bureau/Patrol Division, and Department Instructors, be authorized to attend a Field Training Officer Seminar in Santa Cruz, California from November 4th to November 8, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$12,000.00 will be defrayed from the Department Training Fund. The trainees salaries for the period of the seminar will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT A SUPPLEMENTAL REQUEST TO POLICE COMMISSION RESOLUTION 1131-84 ADOPTED OCTOBER 11, 1984, BE APPROVED FOR AN ADDITIONAL TEN (10) SELECTED PERSONNEL OF THE FIELD OPERATIONS BUREAU/PATROL DIVISION, TO ATTEND THE FIELD TRAINING SEMINAR IN SANTA CRUZ, FROM NOVEMBER 11th TO NOVEMBER 16, 1984

RESOLUTION NO. 1208-84

RESOLVED, that the recommendation of the Chief of Police that a supplemental request for an additional ten (10) selected personnel of the Field Operations Bureau/Patrol Division, be authorized to attend the Field Training Officer Seminar in Santa Cruz, California from November 11th to November 16, 1984; be, and the same is hereby approved; be it further

RESOLVED, that expenses for these additional trainees, not to exceed, \$4,000.00 will be defrayed from the Department Training Fund. The Trainees salaries for the period of the seminar, will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT GEORGE KOWALSKI, HOMICIDE DETAIL, AND LIEUTENANT THOMAS MURPHY, CRIMINALISTICS DIVISION, BE AUTHORIZED TO ATTEND THE ASSERTIVE SUPERVISION COURSE, CONDUCTED BY SOUTHWEST REGIONAL TRAINING CENTER IN FRESNO, CALIFORNIA FROM NOVEMBER 13th TO NOVEMBER 15, 1984

RESOLUTION NO. 1213-84

RESOLVED, that the recommendation of the Chief of Police that Lieutenant George Kowalski, Homicide Detail, and Lieutenant Thomas Murphy, Criminalistics Division, be authorized to attend the Assertive Supervision Course, from November 13, 1984 to November 15, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$336.00 each for subsistence and tuition are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT MORGAN A. PETERSON AND OFFICER HEATHER J. FONG, JUVENILE DIVISION, BE AUTHORIZED TO ATTEND THE CALIFORNIA SEXUAL ASSAULT INVESTIGATORS ASSOCIATION, INC., 5th ANNUAL TRAINING SEMINAR, CO-SPONSORED BY THE CALIFORNIA YOUTH AUTHORITY IN SAN JOSE, CALIFORNIA FROM OCTOBER 31st TO NOVEMBER 2, 1984

RESOLUTION NO. 1214-84

RESOLVED, that the recommendation of the Chief of Police that Sergeant Morgan A. Peterson and Officer Heather Fong, Juvenile Division, be authorized to attend the California Sexual Assault Investigators Association, Inc., 5th Annual Training Seminar, from October 31, 1984 to November 2, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that the amount of \$90.00 each for tuition will be defrayed by the Department's Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



9
RECOMMENDATION OF THE CHIEF OF POLICE THAT LEGAL OFFICER
LAWRENCE A. WILSON, LEGAL DIVISION, BE AUTHORIZED TO ATTEND
THE FEDERAL BUREAU OF INVESTIGATION NATIONAL LAW INSTITUTE,
CONDUCTED BY THE F.B.I. IN QUANTICO, VIRGINIA FROM NOVEMBER
4TH TO NOVEMBER 9, 1984

RESOLUTION NO. 1215-84

RESOLVED, that the recommendation of the Chief of Police
that Legal Officer Lawrence A. Wilson, Legal Division, be authori-
zed to attend the Federal Bureau of Investigation National Law
Institute, from November 4, 1984 to November 9, 1984, be, and
the same is hereby approved; and be it further

RESOLVED, that all expenses will be paid by the Federal
Bureau of Investigation, at no cost to this Departement.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Exec-
utive Session and no vote was taken on either the Attorney-Client
Conference item or the item on the Personnel Matter. Secondly,
he said, he had a chance to participate in the Project SAFE week
which is being sponsored by a number of corperations pertaining
to the Department's crime being prevention units throughout the
city. He said some of the concerns were for access for handicap
parking and expansion of the senior escort services. He said on
behalf of the Commission he thanked the senior escort staff and
the many seniors who participated in this program today for being
actively involved in crime prevention and informed them that the
Commission is now happy to see that the program is expanding into
the tenderloin.

CHIEF'S REPORT OF THE POLICE COMMISSION

Acting Chief Joseph Lordan advised the Commission that he
had no report at this time.

HEARING OF OFFICER FREDERICK D. KILMER, MISSION STATION

RESOLUSION NO. 1217-84

WHEREAS, on September 18, 1984, Cornelius P. Murphy, Chief
of Police, made and served charges against Police Officer Federick
D. Kilmer, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the
Department (violation of Rule A-9 of General Order D-1
of the San Francisco Police Department;

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the
Department (violation of Rule A-9 of General Order D-1
of the San Francisco Police Department.

and

WHEREAS, the Police Commission set Thursday, October 25,
1984 as the date for the hearing of Charges filed against
Police Officer Frederick Kilmer; and

WHEREAS, Chief of Police Cornelius P. Murphy announced
that the Police Department was in receipt of the resignation
of Police Officer Frederick D. Kilmer from the San Francisco
Police Department; said resignation effective October 16, 1984,
which resignation was accepted with the condition that the ser-
vices of Police Officer Frederick Kilmer have been unsatisfac-
tory and that he does not resign in good standing; therefore
be it



RESOLVED, that the Charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Frederick Kilmer, be, and the same is hereby continued off calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECONSIDERATION OF THE TAXICAB OWNER PERMIT OF MR. ALBERT T. RUIZ.
(CONTINUED FROM MEETING OF SEPTEMBER 27, 1984)

Officer L. Suslow appeared on this matter and indicated that Mr. Ruiz was present tonight. He said the Department's recommendation is that the Commission grant a taxicab owner permit to Mr. Ruiz which would fill a vacancy created by the death of an existing permit holder. He said this action would not be moving along the lines of filling the proposed 50 permits granted in March of 1984 but it would be filling the void created by the death of a current licensee.

After questioning and discussion by the Commission, Commissioner Toler moved for approval.

Commissioner Daly seconded and it was unanimously approved.

RESOLUTION NO. 1207-84

RECONSIDERATION OF THE TAXICAB OWNER PERMIT #391, HELD BY ALBERT T. RUIZ, (FROM MEETING OF SEPTEMBER 27, 1984)

WHEREAS, the below named person applied to the Police Commission for a declaration of the Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on September 27, 1984 and October 25, 1984; and

WHEREAS, prior to the emergence of Proposition "K" there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, The Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; and

WHEREAS, The Commission has been advised by the Permit Section that the number of taxicab permits has recently decreased by one due to the death of a permit holder, therefore be it

RESOLVED, that is the decision of The Commission to replace the one taxicab permit recently voided due to the death of a permit holder; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below named applicant:

Mr. Albert T. Ruiz

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



HEARING OF POLICE OFFICER JEFFREY M. SMITH, CENTRAL STATION

The hearing of Officer Jeffrey Smith, Central Station, was called it having been set for this date. Police Officer Jeffrey Smith was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency, or discipline of the Department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Jeffrey Smith appeared in person and was represented by Casimer Wilson, Attorney at Law.

Opening statements were made by both Prosecution and Defense Attorneys.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Michael Freeman	Student/St. Ignatius
Mr. Cary Clark	Bell Market/3950 24th St.
Mr. Mark Landrum	Student/St. Ignatius
Mr. Keith Schneider	
Sgt. William Hardeman	Management Control Division

The following named witnesses appeared for the Defense, were sworn and testified:

Sgt. Norbert Gutierrez	Central Police Station
Officer Jeffrey Smith	Central Police Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Incident Report 830 928 648 by Sgt. Norbert Gutierrez, 08/19/83
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Closing statement's were made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specification No. 1 are not sustained.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1226-84

DECISION - HEARING OF OFFICER JEFFREY M. SMITH, CENTRAL STATION

WHEREAS, on July 3, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Jeffrey Smith, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency, or discipline of the Department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) At all times herein mentioned, Jeffrey M. Smith was and is a police officer employed by the San Francisco Police Department and assigned to Central Station;



- (b) As a police officer, Officer Smith (hereinafter, referred to as the accused), was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department);
- (c) On or about the late evening of August 18th and the morning of August 19, 1983, the accused was on duty and assigned to wagon duty at Central Station;
- (d) At or about 2330 hours on August 18, 1983, the accused, in the course of his wagon duty, picked up several prisoners in the vicinity of 1031 Kearny Street in the City and County of San Francisco;
- (e) The prisoners were received from the arresting officers and placed in the wagon for transportation to Central Station;
- (f) At one point, after the wagon door was closed, one prisoner kicked at the door;
- (g) The accused subsequently opened the wagon door and without lawful justification or excuse struck a prisoner who was sitting near the door;
- (h) By striking a prisoner without lawful justification or excuse, the accused engaged in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency, or discipline of the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, October 25, 1984 and that on Thursday, October 25, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Jeffrey M. Smith, Central Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are not sustained by the evidence presented at the hearing; therefore be it

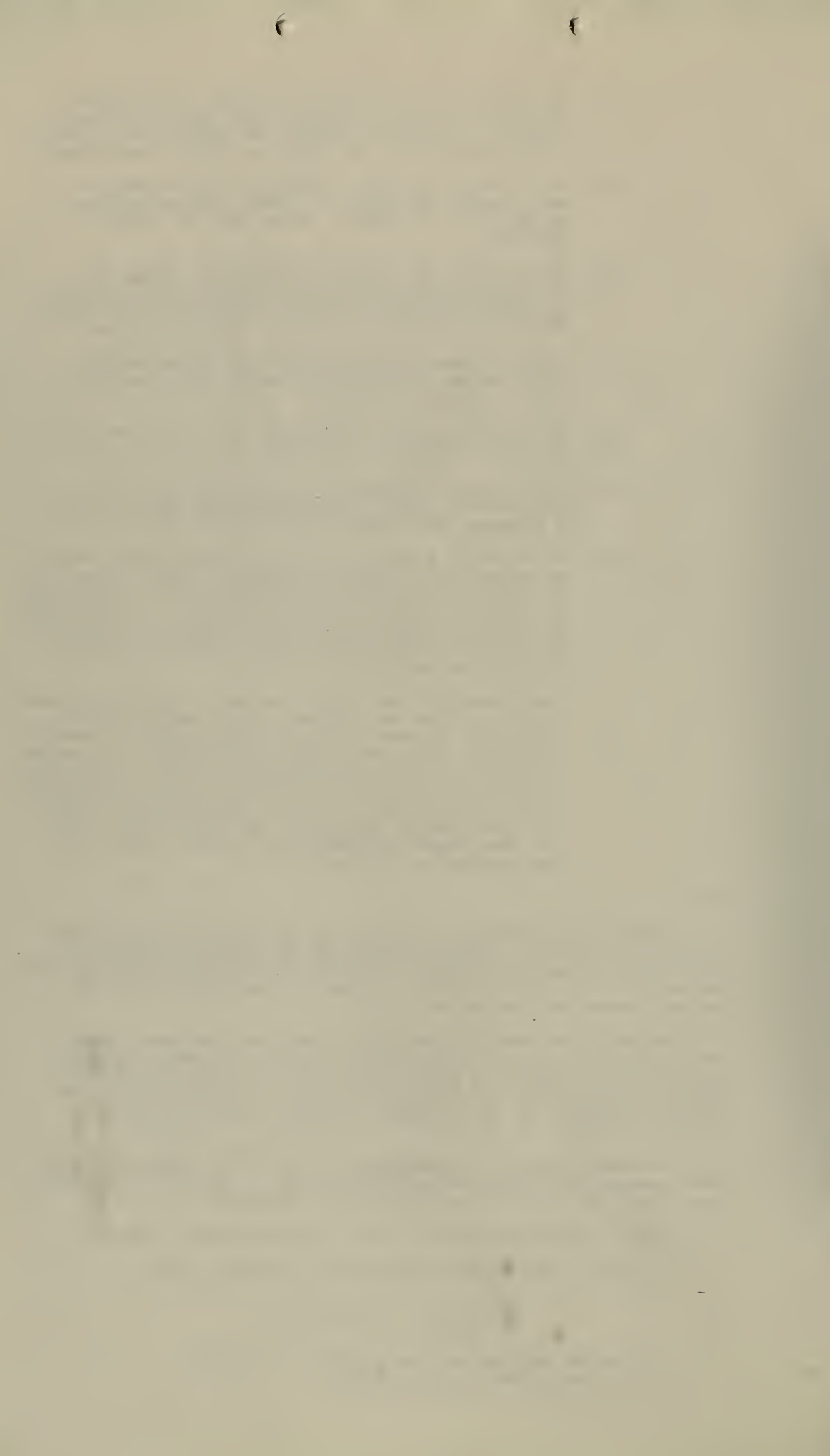
RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, Rule A-9 of General Order D-1, be, and the same are hereby dismissed.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

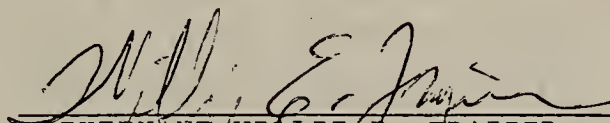
Recesses taken during the Hearing of Officer Smith:

8:17 p.m. to 8:42 p.m.
9:48 p.m. to 10:18 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)



THE MEETING WAS THEN ADJOURNED AT 10:30 PM



LIEUTENANT WILLIE E. BRAZIER
SECRETARY
THE POLICE COMMISSION



01 NOVEMBER 1984CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, November 1, 1984 at 1630 hours in a Closed Session

1. Personnel Matter
2. Attorney-Client Conference

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

01 NOVEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, November 1, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF SEPTEMBER 20, 1984APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1331-84LILLIAN GONZALES

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Lillian Gonzales in the sum of \$2,450.00, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1332-84HECTOR HERNANDEZ, et al., vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Hector Hernandez in the sum of \$2,455.50 in Superior Court No. 789-305 entitled "Hector Hernandez, et al, vs. City and County of San Francisco et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 13, 1981

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1333-84DENICE MIMS vs. SF CITY & COUNTY, SF POLICE DEPARTMENT,

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Denice Mims in the sum of \$3,000.00 in Municipal Court No. 878-409 entitled "Denice Mims vs. City & County of San Francisco, SFPD, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1334-84ABC TOWING (GIBBON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gibbon) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1335-84ABC TOWING (CRUZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Cruz) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1336-84ABC TOWING (CARTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Carter) in the amount of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1337-84ABC TOWING (KWON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kwon) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1338-84ABC TOWING (KNUDSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Knudson) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1339-84ABC TOWING (WAGNER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Wagner) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 23, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1340-84ABC TOWING (NICHOLS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Nichols) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1342-84ABC TOWING (McFALL)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of ABC Towing (McFall) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1343-84ABC TOWING (HADLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hadley) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1344-84WILLIAM FRISBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Frisbe in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1345-84EMMA U. PERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emma U. Person in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1346-84PHYLLIS SIEGEL

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Phyllis Siegel in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1347-84LEWIS STOMMEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lewis Stommel in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1348-84FRANK SCHWINHOLZ

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Frank Schwinholz in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1349-84NANCY J. NACHTWEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy J. Nachtwey in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1350-84CYNTHIA B. WORTHINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia B. Worthington in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1351-84STEPHEN ROSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Rose in the sum of \$103.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25th thru August 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1352-84JULIUS WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julius Williams in the sum of \$103.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1357-84SHIRLEY WILLARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shirley Willard in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1358-84ELIZABETH WAX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Wax in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1359-84KEITH UYEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith Uyeda in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1360-84SUSAN MARIE TIMKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Marie Timko in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1361-84RAY MOSER, Jr.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Moser, in the sum of \$46.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1362-84CUONG LUONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cuong Luong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1363-84ANGELA V. CASTILLON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Castillon in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1364-84RICKEY BUSSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rickey Bussey in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1365-84JAY ARNOLD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay Arnold in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1366-84ABC TOWING (RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Richard) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1984

RESOLUTION NO. 1368-84JAMES M. GRANDI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Grandi in the sum of \$100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1369-84PATRICIA GATTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Gatti in the sum of \$34.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1370-84JAMES F. KELLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James F. Kelly in the sum of \$52.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 15, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1371-84RAYMOND P. DONAHUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond Donahue in the sum of \$53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1372-84CARLOS M. ORTIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Ortiz in the sum of \$53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1984

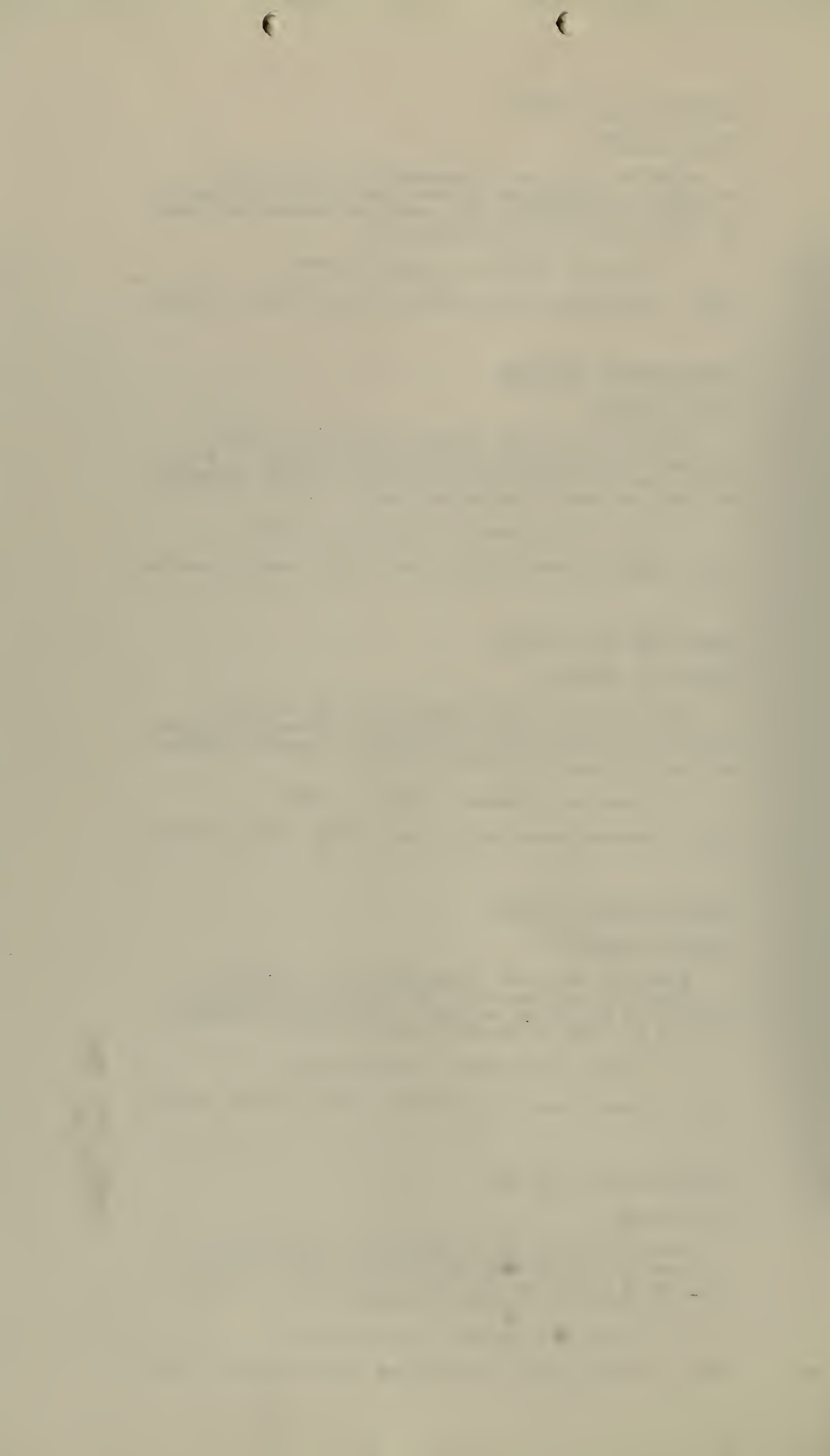
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1373-84M.J. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of M.J. Miller in the sum of \$53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 15, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1374-84J. L. YARBROUGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of J. L. Yarbrough in the sum of \$53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1375-84CITY CAB COMPANY c/o DeVRIES & COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Cab Company c/o DeVries & Company in the sum of \$823.13 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1367-84BETH MUERLE vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that Judgement awarded in the settlement of the claim of Beth Muerle vs. City and County of San Francisco, (ABC Towing Company), in the sum of \$53.25 in Small Claims Court No. 429-316 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1463-84KEITH UYEDA (LICENSE NO. 1A48848)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith Uyeda, in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTON NO. 1404-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:



Inspector Robert Paco	(\$380.96 Each)
Inspector Raymond Driscoll	(Skidmark Analysis in
Inspector Patrick O'Shea	Accident Investigation
Inspector John Fowlie	(Eureka, California
Inspector Peter Godbois	(10/08/84 - 10/12/84
Officer Gary Manini	

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1405-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Donald Hensic	(\$647.00 Each)
Officer Frank McKee	(Weaponless Defense
	Instructors Course
	(Santa Rosa, California
	(10/01/84 - 10/12/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1407-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT MICHAEL KEMMITT AND OFFICER MICHAEL KENNY, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE, CONDUCTED BY THE CALIFORNIA DEPARTMENT OF JUSTICE IN SACRAMENTO, CALIFORNIA FROM NOVEMBER 25th TO DECEMBER 7, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Michael Kemmitt and Officer Kenny, Narcotics Detail, be authorized to attend the the Narcotic Investigation Course in Sacramento, California from November 25, 1984 to December 7, 1984 is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$684.00 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 1408-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT DONALD CARLSON, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE P.O.S.T. LAW ENFORCEMENT SEMINAR ON ETHICAL ISSUES IN LAW ENFORCEMENT CONDUCTED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IN BURBANK, CALIFORNIA FROM NOVEMBER 13, 1984 TO NOVEMBER 15, 1984

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Donald Carlson, Police Academy, be authorized to attend the P.O.S.T. Law Enforcement Seminar on Ethical Issues in Law Enforcement in Burbank, California, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$342.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



POLICE COMMISSION REPORT

Commissioner David Sanchez said at this time The Commission met today in Executive Session and no vote was taken. He then continued by saying that at this time The Commission had an announcement to make pertaining to the appointment of the Director of the Office of Citizen Complaints. He said first of all on behalf of The Commission he wished to thank the many applicants who submitted their curriculums and resumes to The Commission Office for review. He said he also wished to thank the individual Commissioners for taking three days out of their very busy schedules in order to interview the top candidates. The Police Commission at this time announces the selection of the new Director of the Office of Citizen Complaints, Frank J. Schober, Jr.

Commissioner Sanchez then read the following: "Mr. Schober has been chosen because of his outstanding and creative leadership abilities, proven significant administrative record, and demonstrated success in articulation with state, public and Federal agencies. Mr. Schober has served as the past Commanding General of the California National Guard, Chancellor of the National University of Orange County Campus and professor of public administration. He has been instrumental in his active participation relating to Municipal State and legislative activities requiring the highest degree of skill and unique insight into public policies used in critical problems facing urban communities. Mr. Schober has also served with distinction as a senior general staff officer in the United States Army, has taught at the United States Military Academy at West Point and has served in challenging positions requiring the highest degree of technical and administrative insight, proven investigative abilities and leadership. Mr. Schober received his undergraduate degree at the University of Santa Clara and Masters of Public Administration Degree at Harvard. He is acutely aware of the unique cultures and life styles of the City of San Francisco, he comes from Mexican-American Heritage and has been an active participant in the American G.I. Forum and National Urban League. He and his wife Gail reside in San Francisco along with his two sons William and Frank who are presently attending college. The Police Commission is fully confident that he will exercise the highest degree of administrative leadership in fully implementing the Office of Citizen Complaints as mandated by the people of San Francisco. Mr. Schober will work quite closely with Mr. Swann for the next two weeks during this transition period pertaining to staffing and rules and regulations and procedures and bring back to The Commission his recommendations on how we fully implement the charge given to this Commission by the Citizens of San Francisco. On behalf of The Police Commission we congratulate you and your wife Gail for your nomination and for your success."

Frank Schober, Jr.: "Commissioner Sanchez and members of The Police Commission, I am honored by your selection and I will do my very best to justify the trust you have placed in me. I know that the goal of this Department is to provide the most efficient and humane service, police service, to the citizens of this great City. I want to advance that humanity and efficiency in anyway that I can. I was delighted to hear this evening that The Commission is going to award policemen not only for acts of bravery but for those acts of efficiency and humanity. And I would hope that the Office of Citizen Complaints will have some part in that nomination process. I look forward to working with you in the days to come. Thank you very much."



Commissioner Daly, referring back to The Police Commission report stated that she would like to represent the general public in thanking the Chief and the Department for a job well done last night. She said it was a rough night and kind of a real night of horror. She said everything she heard about the Department on the radio was that officers were extremely professional and all reports she received from the Community were positive so she said she would thank the Chief and the Department once again for a job well done.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy reported on his attendance and three of the San Francisco Police Department's Officers at the running of the Marathon in New York City. He said our team had a very good showing and a good time was had by all.

POLICE COMMISSION ADOPTION OF A NEW PROGRAM ENTITLED "MY FAVORITE COP"

Commissioner Thomas Hsieh said this is a kind of Program that will be different from others now existing in the Department. He said it is not meant to recognize the so called heroism or bravery but is meant to recognize the humanitarian actions in person to person relations that is lacking by so many people today. He said Officers will be nominated by citizens of San Francisco or others who care to nominate by mail. He said the nominations will be screened by a panel of three members. He said the members will be Justice Harry Low, State Appellate Court Justice; Mrs. Bernice Hemphill, Past President of the San Francisco Blood Bank, and one member of The Police Commission on a rotation basis. The Program will nominate two officers to be awarded every other month. He said each recipient will receive a cash award of \$1,000. He said the money will be donated by the private business sector of the City. He then said the first luncheon will be held during the third week of January 1985. He continued by saying from the private sector, Mr. Art Blum, Public Relations for the City will be co-ordinating the Program.

Chief Murphy said he would support the Program as it is unique. This Program, he said, allows the people from the different neighborhoods the opportunity to name their favorite police officer, showing their appreciation on the fine work and that little bit of extra effort a particular officer has put forth on their behalf.

The Commissioners all commended Commissioner Hsieh for his efforts in bringing this Program to fruition.

RESOLUTION NO. 1227-84

POLICE COMMISSION ADOPTION OF A NEW PROGRAM ENTITLED "MY FAVORITE COP" - APPROVED

WHEREAS, the San Francisco Police Commission, for several weeks, studied the proposal for the implementation of a new program entitled "My Favorite Cop"; and

WHEREAS, "My Favorite Cop" varies from other award programs in that it is not meant to recognize heroism but emphasizes recognition and reward for those members who takes that extra step, or exhibit a special kindness that makes our citizens feel that a specific officer has done something special; and



WHEREAS, TWO OFFICERS will be honored bi-monthly based upon nominations received only from citizens and will be reviewed by a three member panel, consisting of one member of the Police Commission, Justice Harry Low, and Mrs. Bernice Hemphill, President, Blood Research and Director Emeritus, Irwin Memorial Blood Bank; therefore be it

RESOLVED, that the Police Commission does hereby adopt and approve the implementation of a new program entitled "My Favorite Cop"; and be it further

RESOLVED, that the first "My Favorite Cop" award is scheduled to be presented at a special luncheon at the Meridian Hotel in January, 1985.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

DEPARTMENT GENERAL ORDER NO. R-5, "VEHICLE ACCIDENT REPORTING"

RESOLUTION NO. 1228-84

RESOLVED, that The Police Commission hereby adopts Department General Order No. R-5, "Vehicle Accident Reporting".

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

DEPARTMENT GENERAL ORDER NO. I-8, "FIELD WARRANT CHECKS"

RESOLUTION NO. 1229-84

RESOLVED, that The Police Commission hereby adopts Department General Order I-8, "Field Warrant Checks".

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

DEPARTMENT GENERAL ORDER NO. R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS"

RESOLUTION NO. 1330-84

RESOLVED, that The Police Commission hereby adopts Department General Order No. R-1, "Vehicle Accident Involving Members".

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #44, HELD BY MR. HOWARD GOLDSTEIN

Officer Lamont Suslow, of the Permit Section, appeared on this matter and stated that he spoke with Mr. Goldstein on the phone yesterday and advised him of the hearing this evening, however, he is not present. Hr said he advised him as to what the Department's recommendation would be at this hearing.



The recommendation of the Department, he said, is revocation of Mr. Goldstein's permit for violation of provisions of Section 1089 of the San Francisco Police Code which requires insurance to be on file and Section 4a of Proposition "K", regarding abandonment of operation of the jitney bus. He continued by saying that Mr. Goldstein was before The Commission earlier and requested to suspend operation of his Jitney for 90 days which was granted. However, he said the 90 days have passed and an additional 10 days have passed and pursuant to Section 4a of Proposition "K" when one fails to operate for 10 consecutive days it mandates The Commission to revoke the permit. He said The Commission should be aware that Mr. Goldstein has had medical problems and is currently on disability. He said Mr. Goldstein may be permanently disabled but has indicated that he would like to keep the permit because if he ever does get off the disabled list, he would like to have it to operate.

Commissioner Nelder then moved that the matter be continued for one week with the provision that Officer Suslow contact Mr. Goldstein and tell him that the matter came up tonight and The Commission said that if he doesn't appear here with valid reasons The Commission shall revoke his permit. Commissioner Daly seconded and it was unanimously approved to be continued for one week.

WITHDRAWAL OF CHARGES ON OFFICER FRANCIS KANG, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

RESOLUTION NO. 1216-84

HEARING OF POLICE OFFICER FRANCIS I. KANG, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

The hearing of Police Officer Francis I. Kang, Support Services Bureau/Property Control Division, was called it having been set for this date. Police Officer Francis Kang was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to acquire and maintain a working knowledge of all information to perform the duties of a police officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

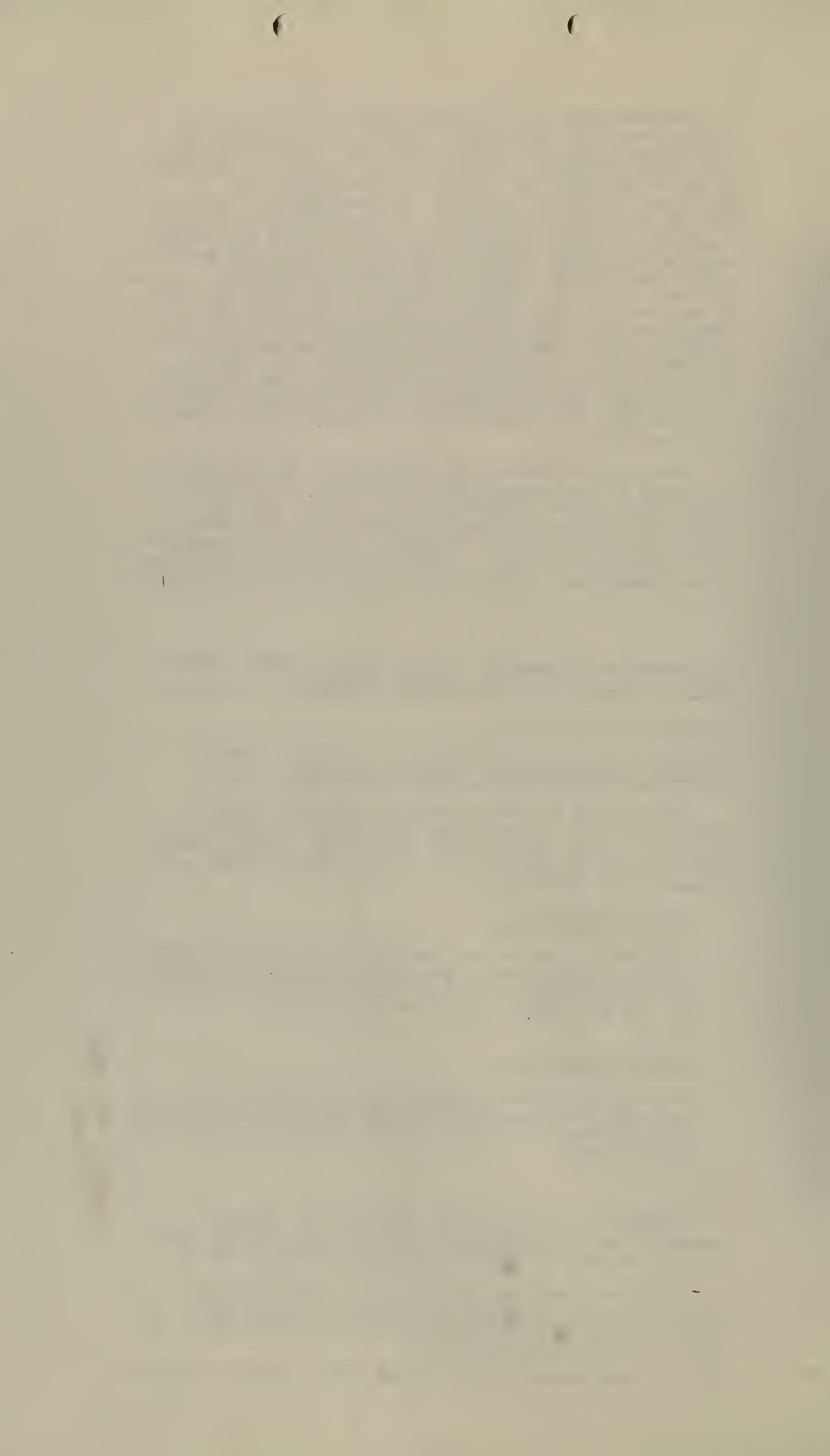
Failure to perform assigned duties promptly and according to Department Procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy requests that the charges be withdrawn and states that it will be handled administratively; therefore be it

RESOLVED, that the Charges filed against Police Officer Francis I. Kang, Support Services Bureau/Property Control Division, is continued off-calendar by Order of The Police Commission

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



REQUEST OF POLICE OFFICER NICANOR E. GUERRA, RICHMOND
STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY PENDING
HEARING OF CHARGES BEFORE THE POLICE COMMISSION

RESOLUTION NO. 1218-84

WHEREAS, Police officer Nicanor E. Guerra, Richmond Station, was suspended without pay effective 1000 hours, Tuesday, July 3, 1984, pending a hearing of charges before The Police Commission; and

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station has requested a Leave of Absence Without Pay pending a hearing before The Police Commission; therefore be it

RESOLVED, that Police Officer Nicanor E. Guerra, Richmond Station, be placed on Leave of Absence Without Pay at his request for a period of fourteen (14) days commencing November 6, 1984 through November 19, 1984, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF POLICE SERGEANT HUGH C. ELBERT, SUPPORT
SERVICES BUREAU/COMMUNICATIONS DIVISION - CONTINUED FROM
MEETING OF OCTOBER 4, 1984

WHEREAS, the hearing of sergeant Hugh C. Elbert, Support Services Bureau/Communications Division, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Casimer Wilson, Attorney at Law, appearing in a Special representation on behalf of Sergeant Hugh C. Elbert, that the matter be continued to Thursday, November 8, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Hugh C. Elbert, is set for Thursday, November 8, 1984 at 1730 hours in Room 551, Hall of Justice, and will definitely, without further delay, be heard on this date.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF PATROL SPECIAL OFFICER ALFREDO BALLESTEROS,
MISSION POLICE DISTRICT

RESOLUTION NO. 1210-84

WHEREAS, the hearing of Patrol Special Officer Alfredo Ballesteros, Mission Police District, was called it having been set for this date; and

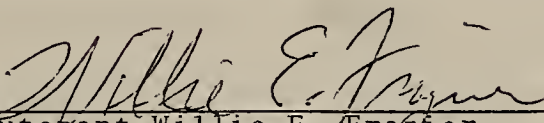
WHEREAS, it was requested by Patrol Special Officer Alfredo Ballesteros that the matter be continued to Thursday, November 8, 1984, for setting of a date for his hearing and at which time he would have an attorney present to represent him; therefore be it

RESOLVED, that the setting of the date for the hearing of the disciplinary charges filed against Patrol Special Officer Alfredo Ballesteros is scheduled for Thursday, November 8, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



THE MEETING WAS THEN ADJOURNED AT 7:26 P.M.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/sj



08 NOVEMBER 1984EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, November 8, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
Sanchez

1. Attorney-Client Conference

Commissioner Sanchez presiding.

08 NOVEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, November 8, 1984 at 1730 hours, in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

Commissioner Sanchez presiding.

APPROVAL OF THE POLICE COMMISSION MEETING MINUTES OF
SEPTEMBER 27, 1984

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLA-
TION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE
PUBLIC STREETS

Sergeant John Newlin said there were two people who indicated they desired to speak tonight and both are representing different groups. One group for and the other against the revocation of a white zone at the Mansion Hotel on Sacramento Street. This item he said is Item 18 on the Traffic Calendar. He said the Department's action stems from complaints received at the Mayor's Office about the excessive white zones in the neighborhood. He said this is one of four actions the Department took on the block which amounted to either the reduction or elimination of existing white zones on the block. He said what the Department is proposing at the Mansion Hotel is to revoke the 22' white zone that exist in front of the property and replace it either with a red or white tip at the owner's preference adjoining the existing driveway which would leave him a total of 8' for passenger loading and unloading with no net loss in this category but would increase available parking on the block.

Mr. Bob Pritikin, Owner of the Mansion Hotel, explained to The Commission that his hotel was a transient hotel and that the number of people checking in and out justifies his retaining that 22' white zone in front of his hotel. He said the Police Department should be concentrating on those 20,000 white lines in the tenderloin and other places where they are not needed.



20

Mr. Patrick Knapp who said he lives across the street from the Mansion Hotel presented a petition signed by 32 members of the neighborhood who are very concerned about the lack of parking space in the neighborhood. He said the 22' white zone is usually taken by the Pacific Medical Center staff who tends to use this and the entire neighborhood for parking, adding to the congestion. He said their goal was not to eliminate the Mansion's parking particularly as much as it was for the high rise which is located on the corner and the 2201 building which has an unnecessary white zone and the Mansion.

After listening to further testimony Commissioner Thomas Hsieh made a motion to refer this item to the Department of Public Works who will take over the responsibilities for issuing the various zones from The Police Commission in all such subsequent issues.

Commissioner Alferd Nelder said he would second that motion with the provision that the Sergeant speak to the petitioners and see if this matter can be worked out amicably. It was then unanimously approved. Commissioner Nelder then approved the remaining items on the Traffic Calendar and it was unanimously approved.

Commissioner David Sanchez then advised Sergeant Newlin that The Commission wished to thank him and his staff for the many hours and meetings he has attended as far as investigative matters in the area of curb zones in trying to be objective over a number of these that have arisen. He said, as stated, this is the last Commission Calendar Item pertaining to that which has been transferred to an is under the jurisdiction of the Department of Public works and Traffic Engineering.

1447-49 LOMBARD ST "CHATEAU SUZANNE" DENY

INSTALL 26' White Zone east of west property line.

30 FREMONT ST "PASTA BELLA" GRANT

In front of 30 Fremont Street, INSTALL 22' White Zone in Meter Stall 38 FRE Special Passenger Zone 5 p.m. to 10 p.m.

533 2nd ST "LASER WORLD" GRANT

INSTALL 24' Green Zone from 14' south of Federal to 38' South. 10 Minute Parking 9 a.m. to 9 p.m.

1398 FOLSOM ST "ALL TIRE" GRANT

INSTALL 20' Green Zone from 16' east of crosswalk at 10th Street to 36' east. 10 Minute Stopping 7 a.m. to 5 p.m.

1805 GEARY BL "S.F. FILLMORE AUDITORIUM" GRANT

INSTALL sign on Meter 1809 Geary Special Truck Only. 7 a.m. to 1 p.m.

701 SHRADER ST "THE DOWN DEPOT" GRANT

INSTALL 20' Green Zone to 20' south of north property line.



1199 SOUTH VAN NESS "DOLORES HEIGHT PROPERTIES" GRANT

INSTALL 28' Green Zone north of south property line.

ALAMEDA & BRYANT ST "MUNI TRANSIT" GRANT

In front of 2698 Alameda Street, INSTALL 30' Yellow Zone at the west boundry east for 30'.

931 LARKIN ST "MUSIC HALL THEATRE" GRANT

INSTALL 40' White Zone at the north end of Red Zone sign on Parking Meters LAR 919 & LAR 921. Special White Zone 6 p.m. to 10 p.m. Wednesday through Saturday.

363 NOE ST "S.F. HOUSING AUTHORITY" GRANT

INSTALL 16' White Zone south 16' from north property line.

990 PACIFIC AV "S.F. HOUSING AUTHORITY" GRANT

At 1400 Mason Street (Pacific AV) INSTALL 20' White Zone north from south property line at crosswalk.

515-519 BRYANT ST "EVAN R." GRANT

INSTALL 22' Yellow Zone from Meter 515 BRY, 22' west. INSTALL sign Special Truck Loading Only 8 a.m. to 4 p.m.

701 COLUMBUS AV "GINO GALATERIA" GRANT

INSTALL on Meter 709 COL "Special Truck Loading Zone" 7 a.m. to 6 p.m.

600 BRYANT ST "FISCHBACH AND MOORE" GRANT

INSTALL 44' Yellow Zone west of Parking Meter 622 BRY to 624 BRY Meter - INSTALL Special Truck Loading 7 a.m. to 5 p.m. REMOVE METERS.

779 BUSH ST "THE MIGHTY COMPUTER" DENY

INSTALL sign on Meter 739 Bush. Post Special Truck Loading 7 a.m. to 1 p.m.

757 SUTTER ST "MEDICAL OFFICE" DENY

INSTALL 22' White Zone 22' west of Meter 725 Sutter to Meter 731 Sutter. REMOVE Meter 729.

2183 GREENWICH ST "OSTERUA ROMANA" REVOKE

INSTALL 22' White Zone at Meter GRN2145. INSTALL sign Special White Zone 6 p.m. to 2 a.m. on Meter GRN2145. REVOKE 22' Special White Zone at 3128 Fillmore Street from 3' to 25' south of Greenwich Street.

2220 SACRAMENTO ST "MANSION HOTEL" GRANT/REVOKE

INSTALL 22' White Zone from east property line 34' west which includes 12' driveway. INSTALL Red Zone driveway tips, east tip to be 8' Red Zone from drop curb.

1131 FOLSOM ST "FOLSOM STREET GRILL" DENY

INSTALL, 18' White Zone from 2' west to east property line to 20' west.



1859 GEARY BL "PEOPLES TEMPLE" REVOKE

REVOKE 88' White Zone east of the west building line.

1839 GEARY BL REVOKE

REVOKE 46' White Zone from 12' to 58' west of the east building line.

1805 GEARY BL REVOKE

REVOKE 44' White Zone from 12' to 56' west of Fillmore Street.

1801-11 GEARY BL REVOKE

REVOKE 27' Yellow Zone from 63' to 90' west of Fillmore Street.

2200 SACRAMENTO ST "PACIFIC HEIGHTS TOWERS" REVOKE

REVOKE 64' White Zone from 50' to 114' west of Laguna Street.

2201 SACRAMENTO ST REVOKE

REVOKE 18' White Zone from 36' to 54' west of Laguna Street.

95 FEDERAL ST REVOKE

REVOKE 27' Yellow Zone west from east line of building.

RESOLVED, that the recommendation of the Traffic Bureau on the revocation on the 314 feet of yellow, red and white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY & COUNTY OF SAN FRANCISCO

RESOLUTION NO. 1354-84

JACK KAUS vs. CITY AND COUNTY OF SAN FRANCISCO, et al,

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jack Kaus in the sum of \$22,209.00 in Superior Court No. 799-523 entitled Jack Kaus vs. City and County of San Francisco, et al.", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 1353-84DEBORAH HICKERSON AND WALTER HICKERSON vs. CITY AND
COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Deborah Hickerson and Walter Hickerson in the sum of \$7,500.00 in United States District Court No. C82-0928RPA entitled "Deborah Hickerson and Walter Hickerson vs. City and County of San Francisco." as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 27, 1981

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1355-84LEONEL D. GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonel D. Garcia in the sum of \$900.00, as the result of damages sustained be, and the same is hereby approved.

Date of Incident: January 19, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1356-84CHROMA INDUSTRIES, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chroma Industries, Inc., in the sum of \$115.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1384-84SARAH M. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sarah Smith in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident October 9/10, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1385-84LAURA GENE SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Smith in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1386-84KEN MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ken Miller in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1387-84PAOLO PEDRAZZAOLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paolo Pedrazzaoli in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1388-84CHERYL PERLISS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cheryl Perliss in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1389-84CHRISTINA LYNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christina Lynn in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1390-84JOSHUA S. FRIEDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joshua Friedman in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1391-84CHRISTINE EGGERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Eggert in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1392-84CONELLA B. EDGERLY, Sr.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Conella Edgerly, Sr. in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1393-84JULIETTE DEINUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juliette Deinum in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1394-84LING CHIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ling Chin in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1395-84

ALFRED BERGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfred Berger in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1396-84

ABC TOWING (SETTI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Setti) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1397-84

ABC TOWING (KEMP)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kemp) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1398-84

ABC TOWING (HILL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hill) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1399-84

ABC TOWING (ARNOLD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Arnold) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1400-84CHRISTINE B. SPANOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Spanos in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1341-84RENNEA J. COUTTENYE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rennea J. Couttenye in the sum of \$204.70 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 29, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1409-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT MICHAEL SEYBOLD AND OFFICER HOWARD BERGMARK, LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE 1985 LEGAL UPDATE SEMINAR IN SANTA ROSA, ON NOVEMBER 20, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Michael Seybold and Officer Howard Bergmark, Legal Division, be authorized to attend the 1985 Legal Update Seminar in Santa Rosa, on November 20, 1984, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$64.80 each for tuition and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Thomas Hsieh said he just noticed one minor item on The Commission Resolution No. 1227-84, in the third paragraph, correct the title of the distinguished member of the "My Favorite Cop Program" Selection Committee from Judge to Justice Harry Low. Lieutenant Willie Frazier, Secretary to The Commission acknowledged that the correction would be made.

AMENDEDRESOLUTION NO. 1227-84

POLICE COMMISSION ADOPTION OF A NEW PROGRAM ENTITLED "MY FAVORITE COP" - APPROVED

WHEREAS, the San Francisco Police Commission, for several weeks, studied the proposal for the implementation of a new program entitled "My Favorite Cop"; and



WHEREAS, "My Favorite Cop" varies from other award programs in that it is not meant to recognize heroism but emphasizes recognition and reward for those members who take that extra step, or exhibit a special kindness that makes our citizens feel that a specific officer has done something special; and

WHEREAS, TWO OFFICERS will be honored bi-monthly based upon nominations received only from citizens and will be reviewed by a three member panel, consisting of one member of The Police Commission, Justice Harry Low, and Mrs. Bernice Hemphill, President, Blood Research and Director Emeritus, Irwin Memorial Blood Bank; therefore be it

RESOLVED, that the Police Commission does hereby adopt and approve the implementation of a new program entitled "My Favorite Cop"; and be it further

RESOLVED, that the first "My Favorite Cop" award is scheduled to be presented at a special luncheon at the Meridian Hotel in January, 1985.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

Commissioner Sanchez then annouced that The Commission met in Executive Session this afternoon pertaining to Personnel and Attorney-Client Conference matters and not vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief advised The Commission that he had no report to them tonight.

POLICE COMMISSION CONSIDERATION TO GRANT JITNEY BUS OWNER PERMIT TO MR. ANTONIO DAVID FOR THE MISSION JITNEY BUS ROUTE

Officer Lamont Suslow of the Permit Section appeared on this matter and said that Mr. David and his Attorney Mr. Phillip Pearson was present. He said the Department pursuant to Resolutions by The Police Commission earlier this year setting the number of Jitneys on the Mission Street Route at 37 is recommending that Mr. Antonio David be granted a permit for that route provided he submits his vehicle that he wishes to use for inspection and file the necessary insurance within 60 days pursuant to Section 1078 of the Police Code. He said Mr. David will be filling the vacancy created by the death of an existing permit holder. Mr. Joel March of the Jitney Owners Association approached the Commission and said that their position is against the issuance of this permit. He said the principal grounds that they are opposing it is, one, that the procedure being used is not authorized to Proposition "K", and the second is that Mr. David is personally ineligible to be granted the permit. He then read into the record a letter from Mr. Mendel Milstein, a permit holder from Mission Street, dated October 31, 1984. Thereafter, he called Mr. Satian Phonpitag as a witness.



After listening to this testimony, Mr. Marsh said he would ask The Commission to, one reconsider, the procedural matters as to fixing the level at 37 permits for the Mission Street Jitney Route as opposed to hearing information on a case by case basis, and he said he would also urge The Commission to review the evidence he has now submitted as well as the record of the enforcement detail of the Permit Division as far as the history of Mr. David and reserve the decision on this until at some future date when The Commission has received all of the information.

Mr. Phillip Pearson, Attorney for Mr. David said that the information Mr. Marsh has presented has been presented to The Commission before. He said all of this was considered by The Police Department and that Mr. David has been driving a Jitney Bus for six years and has had an application on file for four years and has patiently been waiting his turn to drive under a permit issued to him. He said The Commission had considered all of this before at its hearing in July. He said he would therefore request The Commission to go forward with this and issue the permit to Mr. David.

Commissioner Sanchez said The Commission will take the matter under submission for one week and will calendar it at that time for vote either for or against.

HEARING OF RECRUIT OFFICER MICHAEL McCARTHY, ACADEMY

At this time Mr. Jerry Akins, Attorney representing the Police Department, asked The Commission to put the Michael McCarthy Hearing on the 29th of this month. It was so moved and unanimously approved.

RESOLUTION NO. 1379-84

SETTING OF DATE FOR HEARING OF RECRUIT POLICE OFFICER MICHAEL McCARTHY, POLICE ACADEMY

WHEREAS, the date to be set for the disciplinary hearing of Recruit Police Officer Michael McCarthy, Police Academy, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney for the Police Department, that the date for the hearing before The Police Commission be set for November 29, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Michael McCarthy, Police Academy, is set for Thursday, November 29, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF PATROL SPECIAL OFFICER ALFREDO BALLESTEROS, MISSION POLICE DISTRICT (CONTINUED FROM MEETING OF NOVEMBER 1, 1984)

RESOLUTION NO. 1403-84

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Alfredo Ballesteros, Mission Police District, was called it having been set for this date; and



WHEREAS, it was requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the hearing before the Police Commission be set for Thursday, January 3, 1985; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Alfredo Ballesteros, Mission Police District, is set for Thursday, January 3, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE
REVOCATION OF JITNEY BUS PERMIT #44, HELD BY HOWARD
GOLDSTEIN (CONTINUED FROM MEETING OF NOVEMBER 1, 1984)

Officer Lamont Suslow advised The Commission that this matter was continued from last week as The Commission had asked him to notify Mr. Goldstein to appear and Mr. Goldstein is present at this time. He said for the record, Mr. Goldstein asked for and was granted a suspension of operation which lasted for the full 90 days that he is allowed pursuant to Section 4a of Proposition "K". He said that period ended sometime ago which was September 22nd of this year. He said ten days have passed since the suspension period ended at which time Proposition "K" Section 4a mandates The Police Commission to revoke the permit for abandonment. He said Mr. Goldstein was given written notice of the Chief's Hearing which took place on October 17th and Mr. Goldstein did not appear at that hearing. He said the recommendation of the hearing Officer and the Chief of Police was to revoke the permit based on abandonment and/or failing to file insurance while operating. He said the Department's recommendation is that the permit be revoked.

Mr. Goldstein said the reason he did not come to the Chief's Hearing as Officer Suslow knows is that he was sick that day. He said when he bought the permit he said he had an illness at that time and The Commission at that time assured him that if he did get sick again, he could shelve the permit until he got better. He said he feels it would be very unfair for The Commission to take the permit away from him. He said he is now very ill, he has had surgery and only has 15% of his liver remaining. He said if he is lucky there may liver transplants someday and if he had one, and is then well enough, he would go back to work. He said if The Commission took the permit away then what would he have to go back to as this is what he has been doing for almost 25 years.

After further discussion a motion to take the matter off calendar for the Department to give it further study and then bring it back 30 days from now was made by Commissioner Toler, seconded, and unanimously approved.

HEARING OF SERGEANT HUGH C. ELBERT, SUPPORT SERVICES
BUREAU/COMMUNICATIONS DIVISION

The matter of the hearing of Sergeant Hugh C. Elbert, Support Services Bureau/Communications, was called it having been set for this date. Police Sergeant Hugh Elbert was charged with violating the Rules and Procedures as follows:



SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to appear for Range Qualification as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to provide Doctor's Certificate after returning from sick leave as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Falsely reporting sickness (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Sergeant Hugh Elbert appeared in person and was represented by Steve Whitmore, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Hugh Elbert made a plea of Guilty to the charges in Specification No. 2 only, through his Attorney Mr. Steve Whitmore.

An opening statement was then made by Mr. Michael Gash, for the Prosecution.

An opening statement was reserved by Defense Attorney, Mr. Steve Whitmore.

The following named witnesses were called by the Prosecution, were sworn and testified:

Acting Lieutenant Tony Balzar
Captain Vincent Senatore/Communications

The following witness was called by the Defense, was sworn and testified:

Sergeant Hugh Elbert/Communications

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Intra Departmental-Memo by Acting Lieutenant Tony Balzar regarding Sergeant Hugh Elbert, dated
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- Exhibit #2 First day sick certificate order by Chief Murphy to Sergeant Elbert
- Exhibit #3 Work attendance record prepared by Lieutenant Balzar
- Exhibit #4 Visit Verification Slip from Kaiser Hospital Permanente Medical Care Program
- Exhibit #5 Routing and Transmittal Slip from Captain Vincent Senatore dated 05/08/84. Attachment F and stapled to Leave of Absence Request from Sergeant Elbert dated 05/07/84
- Exhibit #6 Civil Service Form 7-20 "Request for Leave", submitted by Sergeant Hugh Elbert, dated 05/24/84
- Exhibit #7 Intra-Departmental Memorandum from Captain Vincent Senatore
- Exhibit #8 Intra-Departmental Memorandum from Captain Vincent Senatore
- Exhibit #9 Intra-Departmental Memorandum from Dr. Norman Steiner, Police Surgeon, dated 06/04/84
- Exhibit #10 Intra-Departmental Memorandum from Dr. Norman Steiner, Police Surgeon, dated 05/02/84
- Exhibit #11 Intra-Departmental Memorandum from Captain Vincent Senatore, dated 05/30/84
- Exhibit #12 Intra-Departmental Memorandum from Captain Vincent Senatore, dated 06/07/84

The following exhibits were entered into evidence by the Defense:

- Exhibit A Request for Leave of Absence
- Exhibit B Kaiser Visit Verification Form, dated 04/23/84 to 05/03/84

After listening to testimony from the above parties, Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned finding that Sergeant Hugh Elbert is guilty of the charges in Specification No. 1, violation of Rule A-4 of General Order D-1; Specification No. 2, violation of Rule A-11 of General Order D-1; Specification No. 3, violation of Rule A-11 of General Order D-1; Specification No. 4, violation of Rule B-3 of General Order D-1; and Specification No. 5, violation of Rule A-9 of General Order D-1.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Sergeant Hugh Elbert be terminated from the San Francisco Police Department.




The Commission again took the matter under submission, and it is the decision of The Police Commission that the penalty decision will be delayed until the medical records from Kaiser Hospital can be reviewed along with Garden Sullivan Volunteer Medical Program results. The meeting was then adjourned and the matter was continued to Thursday, November 29, 1984, at 1730 hours, in Room 551, Hall of Justice.

Recess taken during the Hearing of Sergeant Elbert:

11:55 p.m. to 12:23 a.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 12:26 A.M.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



15 NOVEMBER 1984EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice on Thursday, November 15, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

15 NOVEMBER 1984REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, November 15, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Hsieh, Nelder
 ABSENT: Commissioners Toler, Sanchez

APPROVAL OF MINUTES OF MEETING OF OCTOBER 4, 1984APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1418-84JACK VERNON HAYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack Vernon Hayes in the sum of \$495.56 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 5, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1419-84BARBARA B. SPATZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara B. Spatz in the sum of \$99.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1420-84RONNIE WATKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronnie Watkins in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1421-84BRUNO RIPPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruno Rippe in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident:

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1422-84BERNARD LaBORIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bernard LaBorie in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1423-84NORMA C. GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norma C. Gonzalez in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1424-84MARC D. DYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc D. Dyer in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1425-84NORMAN McINTOSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman McIntosh in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1426-84EDWARD T. RONCHO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward R. Roncho in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1427-84LOUIS A. GAGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis A. Gage in the sum of \$430.21 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

APPROVAL OF TRAVELING EXPENSE VOUCHERRESOLUTION NO. 1413-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sergeant Morgan A. Peterson	(California Sexual Assault
Officer Heather J. Fong	Investigators Association
(\$90.00 Each)	Inc., 5th Annual Training
	(San Jose, California
	(10/31/84 - 11/02/84

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1414-84

APPROVAL OF RETURN OF REFUND CHECK TO THE SAN FRANCISCO POLICE DEPARTMENT FROM THE FEDERAL BUREAU OF INVESTIGATION NATIONAL ACADEMY ASSOCIATES IN THE AMOUNT OF \$120.00 - TWO MEMBERS OF THE POLICE DEPARTMENT WERE UNABLE TO ATTEND

RESOLVED, that the Refund Check in the amount of \$120.00 to the San Francisco Police Department from the Federal Bureau of Investigation National Academy Associates, which was returned because two members of the Police Department were unable to attend the FBI National Academy Associates Training Session, conducted by the FBI in Millbrae, California from September 30th to October 2, 1984, be and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1415-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT ALEXANDER STEVENS/LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE C.P.O.A. TRAINING CONFERENCE, PRESENTED BY THE CALIFORNIA PEACE OFFICERS ASSOCIATION IN SACRAMENTO, FROM 11/16/84 TO 11/17/84

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Alexander Stevens, Legal Division be authorized to attend the CPOA Training Conference, in Sacramento, from November 16, 1984 to November 17, 1984, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$65.00 for enrollment will be defrayed from the Department's Training Fund.

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

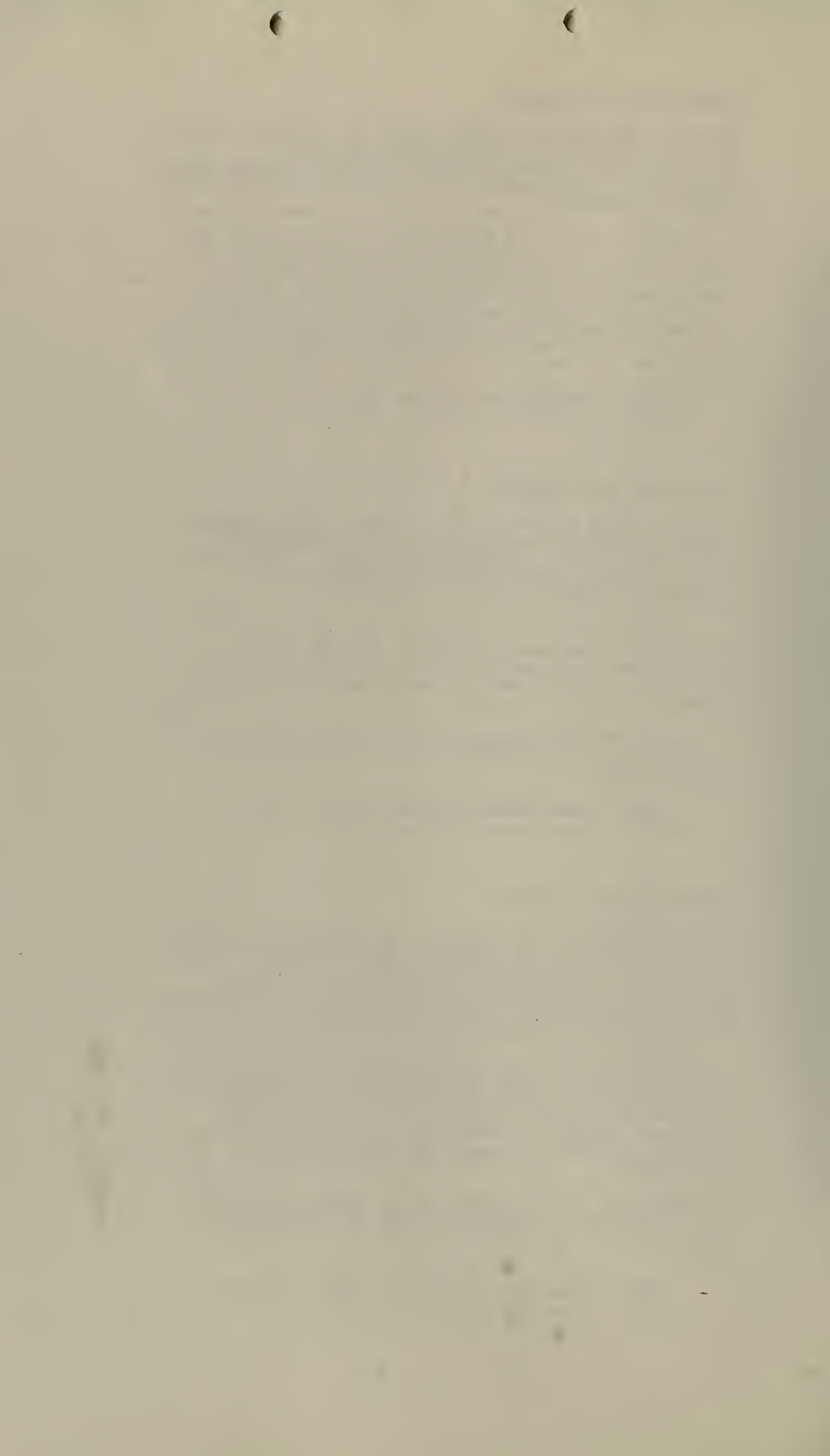
RESOLUTION NO. 1416-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT MS. MARION COGGAN, ADMINISTRATION BUREAU, BE AUTHORIZED TO ATTEND THE SEMINAR ON EXECUTIVE SECRETARIES, SENIOR SECRETARIES, ADMINISTRATIVE ASSISTANTS AND OFFICE MANAGERS, CONDUCTED BY ASSOCIATED MANAGEMENT INSTITUTE IN SAN FRANCISCO, CALIFORNIA ON DECEMBER 3, 1984

RESOLVED, that the recommendation of the Chief of Police that Ms. Marion Coggan, Administration Bureau, be authorized to attend the Seminar on Executive Secretaries, Senior Secretaries, Administrative Assistants and Office Managers, in San Francisco on December 3, 1984, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$165.00 for tuition will be defrayed from the Department's Training Fund.

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1417-84SAVIN CORPORATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Savin Corporation in the sum of \$2,351.61 as the result of non-payment of bills occurring on or about August 18, 1982 through June 25, 1983, at or near San Francisco, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

Commissioner David Sanchez said The Police Commission met in Executive Session under the Brown Act pertaining to Attorney-Client Conference and no vote was taken. He said at this point he would like to make a few announcements pertaining to the agenda. He said The Commission has a number of Administrative Hearings, some, that are continued and there will be a request by the Chief for a continuance and there is also a hearing whereby the officer through his counsel will be pleading pertaining to that hearing. He said The Commission also has on the calendar this evening the Public Convenience and Necessity Hearings for taxi cabs. He said in regard to the latter The Commission will accept written correspondence which a number of interested parties have already submitted. If there are others here who wish to present written correspondence, give it to Lieutenant Willie Frazier, Secretary of The Police Commission Office and The Commission will have the Public Convenience and Necessity Hearings on the 29th. He said those hearings will be scheduled promptly at 1700 hours.

Commissioner Thomas Hsieh said that he would like to make a report on the progress of the "My Favorite Cop" Program. He said the Chief's Office has had many nominations received in the past couple of weeks for officers who have displayed exceptional humane conduct and the public is invited to continue to make these nominations to The Commission and to the Chief of Police. He said the person who is chosen will be receiving a cash award of \$1000. He said every two months the selection process will occur and there will be two winners. He said in regard to the contributions of those funds he would like to make a motion that the \$1000 to be awarded to each officer will be from the private sector. He said he would also move that The Police Commission set up an interest bearing account for this particular program for deposit and administering any funds received from the public. This motion was seconded by Commissioner Alfred Nelder and unanimously approved. He said the other matter is to have regular commendation letter to be presented to the regular business entity or private sector who sponsors the luncheon every other month honoring this particular occasion. This motion was also seconded by Commissioner Nelder and unanimously approved.

Commissioner Nelder then said each Commissioner had received some inquiry from the media regarding the incident that occurred last week and he said he just wanted to go on record to find out from Deputy Chief Eimil if investigations are being conducted.

Deputy Chief Eimil said that the Office of Citizen Complaints is conducting those investigations.



Commissioner Nelder said that The Commission did not want to know any of the facts as they relate to any particular individuals but he felt that they should be able to reply that a full and complete investigation will be conducted.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Eimil said that Chief Murphy was away at the California Conference in Sacramento and there was nothing further to report tonight.

POLICE COMMISSION CONSIDERATION TO GRANT A JITNEY BUS OWNER PERMIT TO MR. ANTONIO DAVID FOR THE MISSION STREET JITNEY BUS ROUTE

Officer Lamont Suslow of the Permit Section said that The Commission had heard testimony on this matter last week. He said the conclusion of the testimony The Commission asked him (Suslow) to query the City Attorney as to the questions raised by Mr. Marsh. He said he spoke to Mr. Steven Diaz of the City Attorney's office who did not have enough time to put anything in writing but verbally assured Officer Suslow that the decisions The Commission had made were valid.

Mr. Joel Marsh, Jitney Owners Association, said he hoped The Commission had had a chance to review his written submission on this matter submitted at last week's Commission Meeting in opposition to the granting of the permit.

Commissioner David Sanchez asked the Department to state its recommendation in view of the testimony and evidence presented last week and at this week's meeting.

Officer Suslow said the Department's recommendation is that The Commission grant the Permit to the next applicant in line which is Mr. Antonio David with the provision that he actually obtain the vehicle, have it inspected and submitted the required insurance of which he has 60 days to do upon the granting by The Commission.

The Commission then heard further argument from Mr. Marsh and the Jitney Association on the issue as to whether to grant Mr. David a permit and thereafter, unanimously voted approval for granting.

RESOLUTION NO. 1381-84

POLICE COMMISSION CONSIDERATION TO GRANT A JITNEY BUS OWNER PERMIT TO MR. ANTONIO DAVID FOR THE MISSION STREET JITNEY BUS ROUTE - APPROVED

WHEREAS, the below named PERSON applied to the Police Commission for a declaration of Public Convenience and Necessity for the issuance of permits to operate a Jitney Bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on November 8, 1984 and November 15, 1984; and

WHEREAS, the Police Commission has set the number at 37 Jitney Bus Permits for the Mission Street Jitney Bus Route for the City and County of San Francisco; and



WHEREAS, the Commission has been advised by the Permit Section that the number of Jitney Bus Permits has recently decreased to 36 and should be raised to the original level of 37; therefore be it

RESOLVED, that it is the decision of the Commission to issue one (1) Jitney Bus Permit to bring the number back up to 37 Jitney Bus Permits for the Mission Street Jitney Bus Route for the City and County of San Francisco; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mr. Antonio David.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY
REGARDING THE ISSUANCE OF TAXICAB PERMITS

Continued to November 29, 1984 at 1700 hours.

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER LAWRENCE A. GRAY, Jr., CENTRAL STATION

RESOLUTION NO. 1376-84

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Lawrence A. Gray, Jr., Central Station as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

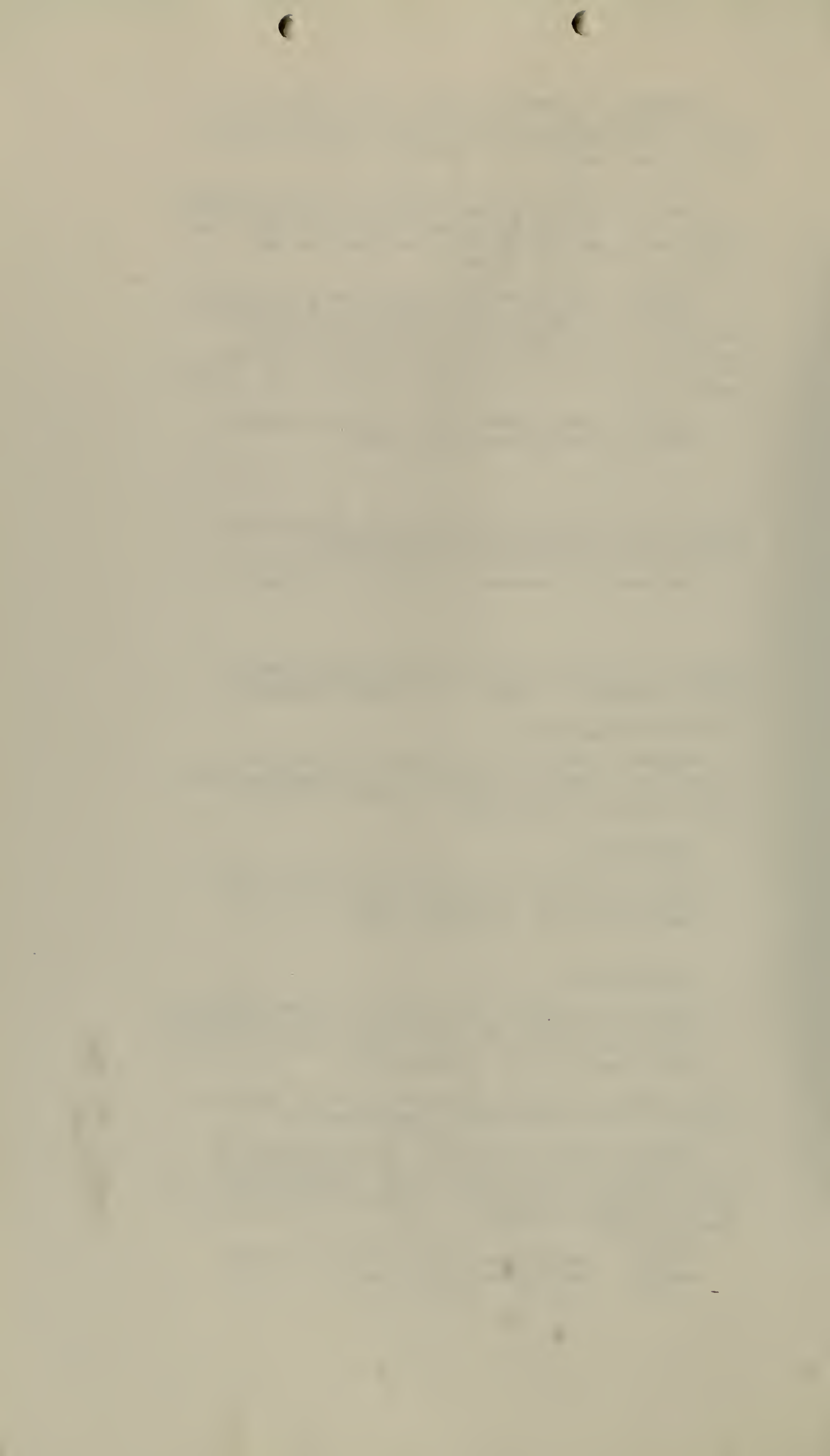
CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Lawrence Gray, Jr., Central Station, is set for Thursday, November 29, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER PHILIP J. LEE, MISSION STATION

RESOLUTION NO. 1377-84

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Philip J. Lee, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Philip J. Lee, Mission Station, is set for Thursday, November 29, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
SERGEANT HUGH C. ELBERT, COMMUNICATIONS DIVISION

RESOLUTION NO. 1378-84

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Hugh C. Elbert, Communications Division, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of disciplinary charges filed against Police Sergeant Hugh C. Elbert, Communications Division, is set for Thursday, November 29, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



HEARING OF POLICE OFFICER MARTY WAY, SUPPORT SERVICES
BUREAU/PROPERTY CONTROL DIVISION (CONTINUED FROM
MEETING OF NOVEMBER 15, 1984

RESOLUTION NO. 1411-84

WHEREAS, the hearing of Officer Marty Way, Support Services Bureau/Property Control Division, was called it having been set for this date; and

WHEREAS, Officer Marty Way appeared in person and was represented by Attorney Terrance Hallinan; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, Attorney Jerry Akins, requested a continuance in the Matter pending receipt of a City Attorney's Opinion; therefore be it

RESOLVED, that the request of Mr. Jerry Akins, Attorney for the Prosecution, for a continuation in the hearing of Officer Marty Way to December 13, 1984 at 5:30 p.m. be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT
SERVICES BUREAU/COMMUNICATIONS "D-1" (CONTINUED FROM
MEETING OF NOVEMBER 15, 1984

RESOLUTION NO. 1412-84

WHEREAS, the hearing of Officer Kevin Dempsey, Support Services Bureau/Communications, was called it having been set for this date; and

WHEREAS, Officer Kevin Dempsey appeared in person and was represented by Attorney Stephen B. Bley; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, Attorney Jerry Akins, requested a continuance in the Matter pending receipt of a City Attorney's Opinion; therefore be it

RESOLVED, that the request of Mr. Jerry Akins, Attorney for the Prosecution, for a continuation in the hearing of Officer Kevin Dempsey to December 13, 1984 at 5:30 p.m. be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT
SERVICES BUREAU/COMMUNICATIONS "D-2" (CONTINUED
FROM MEETING OF 11/15/84)

RESOLUTION NO. 1412-84

WHEREAS, the hearing of Officer Kevin Dempsey, Support Services Bureau/Communications, was called it having been set for this date; and



WHEREAS, Officer Kevin Dempsey appeared in person and was represented by Attorney John Prentice; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, Attorney Jerry Akins, requested a continuance in the Matter pending receipt of a City Attorney's Opinion; therefore be it

RESOLVED, that the request of Mr. Jerry Akins, Attorney for the Prosecution, for a continuation in the hearing of Officer Kevin Dempsey to December 13, 1984 at 5:30 p.m. be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF OFFICER CORBETT F. DICKEY, PARK STATION

The hearing of Police Officer Corbett Dickey, Park Station, was called it having been set for this date. Police Officer Corbett Dickey was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Corbett Dickey appeared in person and was represented by Janis Musante, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, Attorney for the San Francisco Police Department.

An opening statement was made by Janis Musante Attorney for Officer Corbett Dickey. Attorney Musante entered, on behalf of Officer Dickey, a written and verbal plea, admitting and denying certain allegations.

The Charges against Police Officer Corbett Dickey, were then read into the record.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned finding that Charge No. 1 is sustained.

Based on those findings, The Commission requested a recommendation from Acting Chief of Police George Eimil. It is the recommendation of the Acting Chief of Police that Police Officer Corbett Dickey, be terminated, but said termination order to be held in abeyance provided that Officer Dickey receive a six month suspension and enters the Alternative to Punishment Program set forth in Rule VIII of General Order D-4.



The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1380-84

DECISION - HEARING OF POLICE OFFICER CORBETT F. DICKY, PARK STATION

WHEREAS, on August 8, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Corbett Dickey, Park Station, as follows:

CHARGE NO. 1

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) At all times herein mentioned, Corbett F. Dickey, Star 1628 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Park Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;
- (c) At approximately 0150 hours on or about March 12, 1984 and while off duty, the accused and another man were observed by a motorist to be blocking traffic in the middle of Santa Monica Boulevard at or near San Vicente Boulevard in West Hollywood, California;
- (d) The motorist informed two Los Angeles County Sheriff's Deputies who were stopped at a nearby intersection;
- (e) When the deputies responded to the area where the motorist had observed the accused, they observed the accused and the other man standing in the roadway blocking eastbound traffic;
- (f) By the time the deputies were able to reach the intersection, they observed the accused and the other man lying on the center divider island;
- (g) As the accused was assisted to his feet by a deputy from another unit which subsequently responded to the scene, one of the deputies from the first unit to respond observed that the accused had a strong alcoholic breath;
- (h) Based on the accused's intoxicated condition and his inability to care for his own safety or the safety of others, the accused was arrested for being drunk in a public place, a violation of 647(f) of the California Penal Code;
- (i) After being handcuffed, the accused yelled profanities at the deputies on the scene and at passer-by ;



- (j) The accused was transported to the West Hollywood Sheriff's Station and was observed to be totally uncooperative and abusive during the booking procedure;
- (k) In the course of the booking process, the accused was identified as a member of the San Francisco Police Department;
- (l) On April 2, 1984, the accused was interviewed at the Management Control Division of the San Francisco Police Department;
- (m) In the course of the interview, the accused admitted to being intoxicated and verbally abusive and uncooperative to Los Angeles Sheriff's deputies when he was arrested on March 12, 1984;
- (n) By being arrested by Los Angeles County Sheriff's deputies and being abusive and uncooperative during the arrest and booking procedures, the accused has engaged in conduct which reflects, undermines and subverts the good order, efficiency and discipline of the Department and which reflects discredit upon the Department, as well as the members of the Department which constitutes a violation of of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said Charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, November 15, 1984, and on Thursday, November 15, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 1, as preferred by the Chief of Police against Police Officer Corbett Dickey, are sustained by a plea of no contest by Officer Dickey through his Attorney Janis Musante; and

WHEREAS in connection with his plea of guilt to said charges, Officer Corbett Dickey has applied to participate in the Alternative to Punishment Program set forth in Rule VIII of General Order D-4 and the Chief of Police has approved his application; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:



CHARGE NO. 1 [penalty] Termination

and be it further


RESOLVED, that said termination shall be held in abeyance as The Commission approves Officer Dickey's application for the Alternative to Punishment Program set forth in Rule VIII of General Order D-4, provided that Officer Corbett Dickey shall serve 90 calendar days suspension, commencing Friday, November 16, 1984 at 0001 hours and ending Wednesday, February 13, 1985 at 2400 hours, and shall complete the Program prescribed by the Diversion Eligibility Committee and shall comply with the Rules and Procedures of the San Francisco Police Department during the one year follow-up period. If Officer Corbett Dickey successfully completes the Alternative to Punishment Program and complies with the Orders, Rules and Procedures of the San Francisco Police Department, termination shall be dismissed. If during his participation in Alternative to Punishment Program, Officer Dickey fails to comply with the Orders, Rules and Procedures of the San Francisco Police Department, the termination order shall be imposed.

(The Entire Proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

Recess taken during the Hearing of Officer Dickey:

7:18 p.m.

THE MEETING WAS THEN ADJOURNED


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



19 NOVEMBER 1984

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, November 19, 1984 at 0900 Hours in a Special Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder

ABSENT: Commissioners Toler, Sanchez

Commissioner Alfred Nelder presiding.

HEARING OF POLICE OFFICER NICANOR E. GUERRA, RICHMOND STATION (CONTINUED FROM MEETING OF 10/31/84)

RESOLUTION NO. 1401-84

WHEREAS, the matter of the hearing of Officer Nicanor Guerra, Richmond Station, was called it having been set for this date; and

WHEREAS, Officer Nicanor Guerra appeared in person and was represented by Mr. William T. Beirne, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, Attorney William Beirne, stated for the record that his client had been convicted in court, and requested a continuation until January 17, 1985 at 5:30 p.m. which is subsequent to a final judgement rendered in his criminal trial; therefore be it

RESOLVED, that the request of Mr. William T. Beirne, Attorney for the Defense, for a continuation in the hearing of Officer Nicanor Guerra to January 17, 1985 at 5:30 p.m., which is subsequent to when a final judgement is rendered in Officer Guerra's criminal trial, be, and the same is hereby approved.

Recess taken during the hearing of Officer Guerra:

10:35 a.m. to 11:45 a.m.

(The entire Proceedings were taken in Shorthand Form by Ms. Liz Carter, CSR.)

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

REQUEST OF POLICE OFFICER NICANOR GUERRA, RICHMOND STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

RESOLUTION NO. 1428-84

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, was suspended without pay effective 1000 hours, Tuesday, July 3, 1984, pending hearing of charges before The Police Commission; and

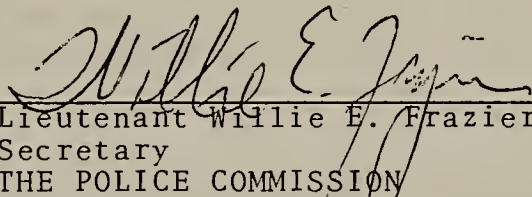


WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it

RESOLVED, that Police Officer Nicanor E. Guerra, Richmond Station, be placed on Leave of absence Without Pay at his request for a period of sixty (60) days commencing November 19, 1984 through January 17, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

THE MEETING WAS THEN ADJOURNED AT 1200 NOON


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



29 NOVEMBER 1984

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, November 29, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

29 NOVEMBER 1984

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, November 29, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 11, 1984

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1440-84

JOANN PORTER vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joann Porter in the sum of \$4,500.00 in Superior Court No. 800-468 entitled "Joann Porter vs City and County of San Francisco, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 13, 1982

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1441-84

JOYCE STROLLER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Stroller in the sum of \$2,500.00 as the result of a claim of false arrest (Civil Rights) be, and the same is hereby denied.

Date of Incident: September 11, 1981

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1442-84ABC TOWING (THOMPSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Thompson) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1443-84MAURICE CHENIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maurice Chenier in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1444-84THOMAS P. BROSNAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas P. Brosnan in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1445-85DENNIS D. BURNS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis D. Burns in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1446-84RICHARD CARAVELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Caravelli in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1447-84GRACE CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grace Chu in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1448-84STEVEN H. DePRIEST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven H. DePriest in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1449-84JOHN L. GIPPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John L. Gippson in the sum of \$53.25 as the result of faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1450-84ABC TOWING (MURPHY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Murphy) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1451-84ABC TOWING (KEEANE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Keeane) in the amount of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 1452-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved:

Sergeant Gregory S. Cash	(Special Weapons & Tactics
Officer Duane Collins	Refresher Training Course
Officer Reno Rapagnani	(Fort Ord, California
Officer Jeremiah Morgan	(10/25/84 - 10/26/84
Officer Brian D'Arcy	
Officer Edward St. Andre	(\$148.50 Each)
Officer Brett Higdon	
Officer Michael Conway	

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1453-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Lt. Donald P. Carlson	(P.O.S.T. Law Enforcement
	Seminar on Ethical Issues
	in Law Enforcement
	(Burbank, California
	(11/13/84 - 11/15/84
	(\$815.00)

RESOLUTION NO. 1454-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Inspector John McKenna	(Asian Organized Crime
	Conference
	(Washington, D.C.
	(11/04/84 - 11/08/84
	(\$815.00)

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1455-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Officer George Stasko	(Urban Terrorist Activity
	Course
	(Sacramento, California
	11/05/84 - 11/09/84
	(\$342.00)

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 1456-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR ANTHONY CAMILLERI AND OFFICERS JAMES DEELY & KENNETH FOSTER, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE CLANDESTINE DRUG LABORATORY COURSE, CONDUCTED BY THE CALIFORNIA DEPARTMENT OF JUSTICE IN RIVERSIDE, CALIFORNIA FROM DECEMBER 4th TO DECEMBER 6, 1984

RESOLVED, that the recommendation of the Chief of Police that Inspector Anthony Camilleri and Officers James Deely & Kenneth Foster, Narcotics Detail, be authorized to attend the Clandestine Drug Laboratory Course in Riverside, California from December 4th to December 6, 1984, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$392.00 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 1457-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR JOSEPH F. KENNEDY, ARSON TASK FORCE, BE AUTHORIZED TO ATTEND THE FIRE/ARSON INVESTIGATION COURSE, CONDUCTED BY THE NATIONAL EMERGENCY TRAINING CENTER IN EMMITSBURG, MARYLAND FROM 12/10/84 TO 12/21/84

RESOLVED, that the recommendation of the Chief of Police that Inspector Joseph F. Kennedy, Arson Task Force, be authorized to attend the Fire/Arson Investigation Course, conducted by the National Emergency Training Center in Emmitsburg, Maryland from December 10, 1984 to December 21, 1984, is hereby approved; and be it further

RESOLVED, that expenses incurred in attending this course in the amount of \$132.00 for meals will be defrayed from the Department's Training Fund. All other cost will be paid by the National Emergency Training Center.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

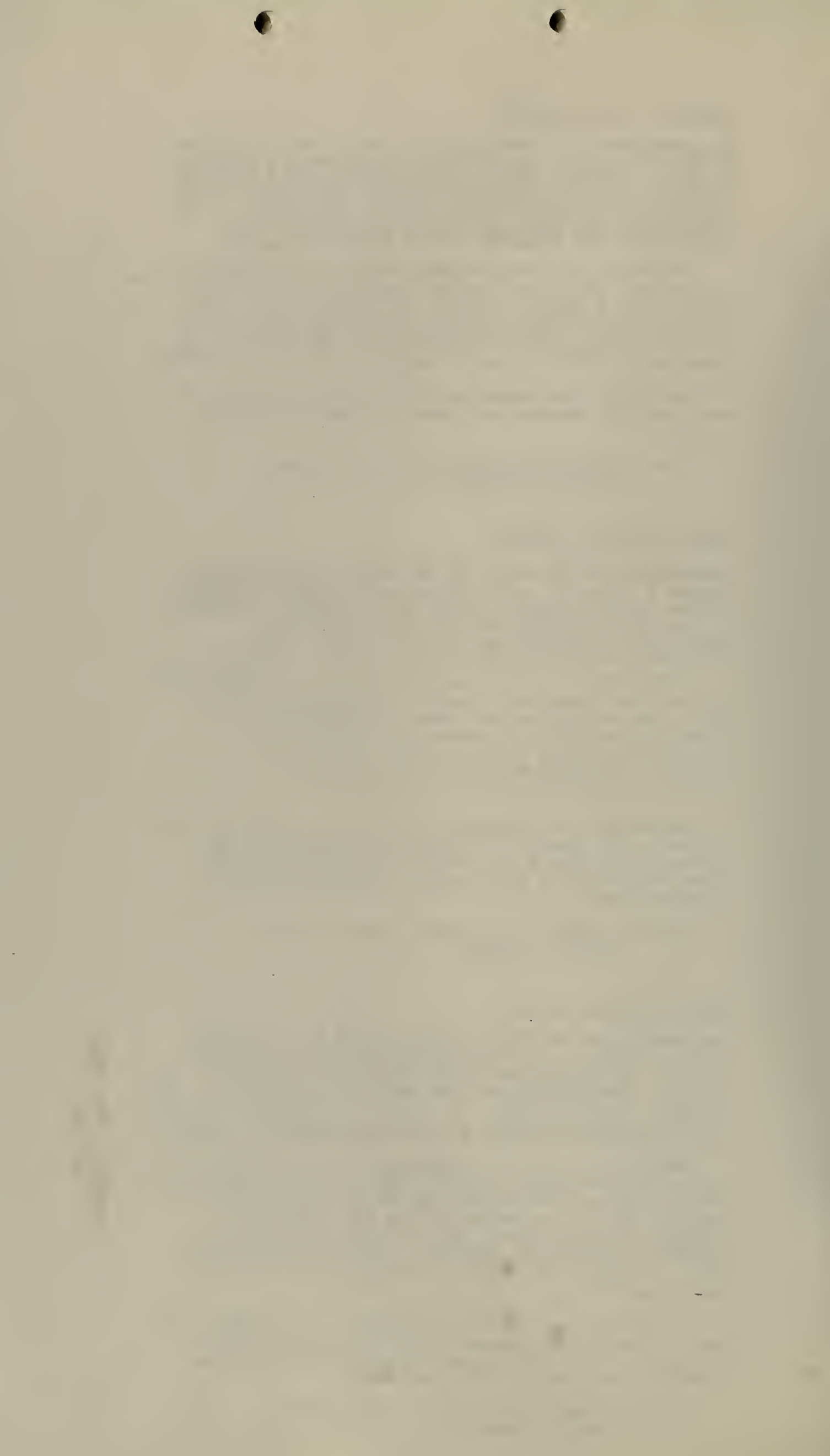
RESOLUTION NO. 1458-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT STANLEY ODMANN, TRAFFIC DIVISION/TRAFFIC & PARKING CONTROL, BE AUTHORIZED TO ATTEND THE BMW SERVICE SCHOOL, CONDUCTED BY THE BMW MOTORCYCLE COMPANY IN LOS ANGELES, FROM NOVEMBER 26, 1984, TO NOVEMBER 29, 1984 AND AGAIN FROM DECEMBER 3, 1984 TO DECEMBER 6, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Stanley Odmann, Traffic/Traffic & Parking Control, be authorized to attend the BMW Service School, conducted by the BMW Motorcycle Company in Los Angeles, California from November 26, 1984 to November 29, 1984 and again from December 3, 1984 to December 6, 1984, is hereby approved; and be it further

RESOLVED, that expenses incurred in attending the two courses in the amount of \$824.00 (\$412.00 per course) for subsistence and travel will be defrayed from the Department's Training Fund.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



POLICE COMMISSION REPORT

Commissioner David Sanchez said The Police Commission met in Executive Session this afternoon under the Brown Act pertaining to an Attorney-Client Conference, no vote was taken.

Commissioner Thomas Hsieh said he wanted to report to The Commission that he had represented this body at last night's Police Academy Graduation. He said it was the 158th Class and it was quite an experience. he said there were approximately 400 people at the event and all of the Recruits appeared to be highly motivated. He said he had two thoughts he wanted to share with the Chief and Staff. He said first, he feels that the Academy is a very important component in the Department. He said he had the distinctive feeling that the recruits had very little idea of what The Commission is doing and he likewise had no idea of what they were doing. He said perhaps The Commission can resolve with the Chief that in the future that Commission Members should be able to address the Recruits during their training time as to what The Commission does and what they may expect from The Commission and what The Commission can expect from them. He said he wanted to not give the impression that The Commission does nothing but discipline people but also does other things. He said the second item is fairly simple. He said he was not aware of what the program was all about and The Commission should take time to review the program and ceremonies and become involved as it is a very important part of the Department's function and to make everyone aware that The Commission wants to be involved.

Commissioner Nelder then said that apparently Commissioner Hsieh's concerns are legitimate and that he viewed the concerns as, (1) A member of The Commission shall address the Recruit Classes periodically and (2), meet periodically with the Captain of Personnel, particularly as it relates to the graduation ceremony. He said he would second the motion on these issues. He continued by saying there maybe a lack of understanding particularly as The Commission is a complete complicated entity which is guided by the City Charter and it might be well worth the while to explain that from The Commission's perspective. The motion was then unanimously approved. Commissioner Hsieh then continued by saying that he would like to see a report from people who are involved and in charge of the Psychological Screening Program and a report as to how much progress has been made in this area.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he was going to give The Commission a report on the Academy Graduation but it has already been discussed.

PUBLIC DISCUSSION REGARDING OPERATION OF THE OFFICE OF CITIZEN COMPLAINTS

Director Frank Schober then gave an overview to The Commission on the status of the Office of Citizen Complaints. He said at present there are 436 cases backlogged. He said they have set 156 cases for hearing. He said that as of this morning they have permission from the Civil Service Commission and have hired three (3) Hearing Officers.



He then named them as follows: Mr. Lee, Mr. Schwartz and a retired Administrative Law Judge, Robert Coan. He said some of the cases are quite old and they propose to handle those by special letter which he would be able to distribute to The Commission this week. He said with a speeded up investigative system and referring to a number of complaints to commanding officer referrals, the ones which are most recent, and establishment of quality circles, the assignment of cases not to individuals but to teams he hoped to be able to get a better control over productivity and be able to measure the productivity of individual investigators. He said he hoped to hire two investigators next week as they are currently two (2) short. He said he also expected two clerical personnel to be donated to the Office from the Police Department and with this addition he hoped to get rid of the back log as soon as possible.

Commissioner Thomas Hsieh then said that it seems that Director Schober is doing an outstanding job in getting started. He said he read the report the director had submitted to The Commission with a tremendous amount of satisfaction. He said the new Director has been on the job for only two weeks and seems to have solved all the complexities of the problems involved and is making remarkable progress.

Commissioner Jo Daly said she, as a part of the Committee of Two, (she and Commissioner Hsieh), to oversee the operation of the Office of Citizen Complaints, echos Commissioner Hsieh's remarks and she was excited to see that they will commence to get a real balanced picture. She said, in essence, not just looking at problems but looking at solutions and that pleased her very much.

Director Schober then said he would also ask The Commission, in line of his proposed professionalization of his staff, for permission to acquire proper identification for them. He said he proposed issuing a badge, not a star, similar to that used by civilian employees of the Police Department that would go along with other identification. He said he would be submitting that in a separate letter.

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY REGARDING THE ISSUANCE OF TAXICAB PERMITS

Commissioner David Sanchez said he would explain briefly the procedure. He said many people were here last week and a number have submitted items to The Commission for review pertaining to these hearings. He said Mr. Steven Diaz of the City Attorney's Office is also here to provide clarification to any matter that needs addressing regarding procedural application of these hearings. Commissioner Sanchez then invited Commissioner Thomas Hsieh to take over the chair during this hearing and Commissioner Hsieh complied.

Commissioner Hsieh then requested speakers to raise their hands who were in favor of issuing more cab permits. Mr. Jack G. Trad raised his hand and came to the podium to speak. He said he had started to push for new cab permits many years ago because he has been representing cab drivers under Proposition "K" who are currently on the list which is long before the Taxicab Alliance was born. He said he has spoken with all of the powers to be on these issues, and that there should be more permits issued.



He said the Mayor has gone out and spoken regarding different projects developed here in the city showing the need for more cabs and all The Commission had to do was to go along with it. He said he did not know what happened to here recommendation of 289 permits but all of a sudden that number shrank to 50. He said many of the people from the Taxicab Alliance were not around during the times of the negotiations and that he had been representing cab drivers for 18 years as President of the San Francisco Taxicab Association. He continued by saying he has always tried to deal with the powers to be and the cab drivers and no one ever came up and told him that it was wrong to push for more cabs. He said this is now the place for them to come up and express their views as he has expressed his. As there were no more speakers to speak for the issuance of more permits, Commissioner Hsieh invited those persons who were against more permits to come up and voice their disapproval.

The following individuals then came forward and were permitted to speak: Mr. John Hines/Taxicab driver and Mr. Ed Burke/Taxicab driver.

After listening to all of the above people Commissioner Alfred Nelder said the things that the last two speakers brought out were things to be considered by the Taxicab Detail but has no application as to whether or not The Commission should issue or not issue anymore permits. He continued by saying that the presentation of the person who favored issuing more permits did not prove his case and he would make a motion that The Commission not issue more taxicab permits at this time.

Commissioner Hsieh said at this time, procedurally, he would like to have a motion that the public hearing on this issue is closed.

Commissioner Burl Toler said he would make that motion and did.

Commissioner Nelder seconded and it was unanimously approved.

Commissioner Nelder then re-stated his motion to not issue any more taxicab permits at this time. Commissioner Daly seconded and it was unanimously approved.

RESOLUTION NO. 1429-84

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY REGARDING THE OPERATION OF TAXICAB PERMITS (DENIED)

WHEREAS, individuals have applied to The Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on November 15, 1984 and continued to and including November 29, 1984; and

WHEREAS, the various persons testified in opposition to the granting of additional permits and evidence in support of their position, was presented to The Commission; and



WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; and

WHEREAS, the applicants failed to present evidence to support that any extraordinary conditions exist; therefore be it

RESOLVED, that it is the decision of The Commission to deny additional taxicab permits.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR and is on file in The Police Commission Office).

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT
OF \$1,300,000 FOR NIGHT DIFFERENTIAL PAY FOR SWORN
OFFICERS

RESOLUTION NO. 1430-84

RESOLVED, that The Police Commission hereby approves the Supplemental Appropriation in the amount of \$1,300,000 for Night Differential Pay for Sworn Officers.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE
COMMISSION ADOPT A RESOLUTION REQUESTING THE BOARD OF
SUPERVISORS TO DESIGNATE THE CHIEF AS THE PERSON WHO
CAN APPROVE CASUAL OR PART TIME EMPLOYMENT AS SECURITY
GUARDS BY OFF-DUTY SAN FRANCISCO POLICE OFFICERS

Deputy Chief Trueb advised The Commission that there are some legal issues that should be looked at before passing this item. He said he would request that The Commission take it off-calendar. He said a point was raised to him today which he was not aware of before the City Attorney and he would like to discuss it again. He said there is no time problem with the item and he would therefore request The Commission take it off calendar until the Department brings it back again with all problems resolved.

SETTING OF DATE FOR HEARING OF POLICE OFFICER LAWRENCE
A. GRAY, Jr., CENTRAL STATION

RESOLUTION NO. 1431-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Lawrence Gray, Jr., Central Station, was called it having been set for this date; and



WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for January 31, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Lawrence Gray, Jr., Central Station, is set for Thursday, January 31, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER PHILIP J. LEE, MISSION STATION

RESOLUTION NO. 1432-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Philip Lee, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, January 31, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Philip J. Lee, Mission Station, is set for Thursday, January 31, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

SETTING OF DATE FOR HEARING OF POLICE SERGEANT HUGH C. ELBERT, SUPPORT SERVICES BUREAU/COMMUNICATIONS

RESOLUTION NO. 1434-84

WHEREAS, the date to be set for the disciplinary hearing of Police Sergeant Hugh Elbert, Communications, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for January 3, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Hugh Elbert, Communications, is set for Thursday, January 3, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



HEARING OF POLICE OFFICER DANIEL G. MARR, PARK STATIONRESOLUTION NO. 1433-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Daniel G. Marr, Park Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for January 24, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Daniel Marr, Park Station, is set for Thursday, January 24, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

SETTING OF DATE FOR HEARING OF RECRUIT OFFICER MICHAEL M. MCCARTHY, POLICE ACADEMYRESOLUTION NO. 1435-84

WHEREAS, the date set for the disciplinary hearing of Police Recruit Officer Michael McCarthy, Police Academy, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for January 24, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Recruit Officer Michael McCarthy, Police Academy, is set for Thursday, January 24, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER CHARLES E. LARSON, CRIMINALISTICS SECTIONRESOLUTION NO. 1436-84

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Charles E. Larson, Criminalistics Section/Crime Lab, as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it



RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Charles E. Larson, Criminalistics Section/Crime Lab, is set for Thursday, December 6, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF OFFICER NIALL J. PHILPOTT, MISSION STATION

RESOLUTION NO. 1438-84

WHEREAS, the date for the disciplinary hearing of Police Officer Niall J. Philpott, Mission Station, had previously been set for December 13, 1984; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the Police Department, that the matter be continued to December 20, 1984, because of a scheduling conflict; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Niall J. Philpott, Mission Station, is set for Thursday, December 20, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF OFFICER SCOTT G. QUINN, MISSION STATION

RESOLUTION NO. 1439-84

WHEREAS, the date for the disciplinary hearing of Police Officer Scott G. Quinn, Mission Station, had previously been set for December 13, 1984; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the Police Department, that the matter be continued to December 20, 1984, because of a scheduling conflict; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Scott G. Quinn, Mission Station, is set for Thursday, December 20, 1984 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF SERGEANT HUGH C. ELBERT, SUPPORT SERVICES BUREAU/COMMUNICATIONS (CONTINUED FROM MEETING OF NOVEMBER 8, 1984)

The Hearing of Sergeant Hugh C. Elbert, Support Services Bureau/Communications, was called it having been continued from the meeting of November 8, 1984.

Sergeant Hugh Elbert appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.



Dr. Norman Steiner, the San Francisco Police Department Surgeon, appeared and gave a report to the Police Commission regarding medical records of Sergeant Elbert which the doctor had just received.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1437-84

DECISION - HEARING OF POLICE SERGEANT HUGH C. ELBERT,
SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

WHEREAS, on July 20, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Sergeant Hugh Elbert as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Hugh C. Elbert, Star 812, was and is a police sergeant employed by the San Francisco Police Department. Sergeant Elbert is assigned to the Communications Division;
- (b) As a police sergeant, Sergeant Elbert (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On or about May 19, 1984, the accused was assigned to the Communications Division and scheduled to work the midnight watch from about 2300 hours until about 0700 hours;
- (d) On or about June 23, 1984, the accused was assigned to the Communications Division and scheduled to work the midnight watch from about 2300 hours until about 0700 hours;
- (e) On or about June 24, 1984, the accused was assigned to the Communications Division and scheduled to work the midnight watch from about 2300 hours until about 0700 hours;
- (f) On or about June 25, 1984, the accused was assigned to the Communications Division and scheduled to work the midnight watch from about 2300 hours until about 0700 hours;
- (g) The accused failed to report for duty at the time and place of his assignment on May 19, 1984; June 23, 1984; June 24, 1984; and June 25, 1984;
- (h) The accused, by failing to report for duty at the time and place of his assignment on May 19, 1984, June 23, 1984; June 24, 1984 and June 25, 1984 has engaged in conduct which constitutes a violation of Rule A-1 of General Order D-1 of the San Francisco Police Department which states:



"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

SPECIFICATION NO. 2

Failure to appear for Range Qualification as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (a) The allegations contained in paragraphs (a) through (h) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about June 15, 1984, the accused was scheduled to appear at the Police Range for pistol qualification;
- (c) Special Order 83-35 of the San Francisco Police Department requires members whose star numbers are 551-1100 to appear and qualify at the Police Range during the months of February, June and October;
- (d) The accused's star number is 812 and he failed to appear at the Police Range as scheduled on June 15, 1984 or any other time during the month of June;
- (e) The accused, by failing to appear at the Police Range as scheduled on June 15, 1984, or any other time during the month of June, has engaged in conduct which constitutes a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

SPECIFICATION NO. 3

Failure to provide Doctor's Certificate after returning from sick leave as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (a) The allegations contained in paragraphs (a) through (h) of Specification No. 1 and paragraphs (a) through (e) of Specification No. 2 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about April 11, 1984, the Chief of Police, pursuant to Civil Service Rules 22.02 A.4(2) and 22.02 B.3(a), ordered the accused to provide a physician's certificate of illness to his commanding officer covering the first day and each successive day the accused asked to be carried on sick leave. The accused was also informed that the certificate must be presented to his commanding officer prior to sick leave being granted;



- (c) On or about April 23, 1984, the accused requested that he be carried on sick leave, however, the accused failed to provide a physician's certificate as required by the Chief's Order of April 11, 1984;
- (d) The accused, by failing to provide a physician's certificate prior to being carried on sick leave as required by the Chief's Order of April 11, 1984, has engaged in conduct which constitutes a violation of Rule A-11 of General Order D-1 which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

SPECIFICATION NO. 4

False reporting sickness (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

- (a) The allegations contained in paragraphs (a) through (h) of Specification No. 1, paragraphs (a) through (e) of Specification No. 2, and paragraphs (a) through (d) of Specification No. 3 are hereby incorporated by reference as if fully set forth herein;
- (b) From about May 20, 1984 until May 23, 1984, the accused was scheduled to work the midnight watch from about 2300 hours until about 0700 hours. The accused on or about May 20, 1984 contacted his supervisor and requested sick leave and remained off-duty through May 24, 1984;
- (c) On or about May 23, 1984, the accused submitted a Kaiser Permanente Medical Care Program Visit Verification which was improperly filled out. The verification's date line was blank, its return to work date was written over, there was no indication from the signature that it was signed by a medical doctor, nor did it bear a medical doctor's printed name, and the verification indicated that the illness was claimed by the accused, but fails to state the nature of the accused's illness or the diagnosis or treatment made by the physician verifying the illness;
- (d) On or about May 24, 1984, the accused was ordered to provide a valid physician certificate signed by a physician which sets forth the nature of the accused's illness. As of this date, the accused has not provided the Department with a valid physician's certificate which verifies that he was ill on or about May 20, 1984 and thereafter;
- (e) The accused, by failing to submit a properly filled out physician's certificate which verifies the illness he claimed on May 20, 1984 and thereafter, has falsely reported himself ill, which constitutes a violation of Rule B-3 of General Order D-1 of the San Francisco Police Department, which states:



"Members shall not falsely report themselves sick or injured."

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) The allegations contained in paragraphs (a) through (h) of Specification No. 1, paragraphs (a) through (e) of Specification No. 2, and paragraphs (a) through (d) of Specification No. 3, and paragraphs (a) through (e) of Specification No. 4 are hereby incorporated by reference as if fully set forth herein;
- (b) On or about November 30, 1983, the accused was assigned to work the midnight watch for the Communications Division;
- (c) From about November 30, 1983 until about July 9, 1984, a period of 214 days, the accused worked approximately 52 days, was carried on sick leave for approximately 36 days and carried "0", absent without leave for eight days;
- (d) Of the approximately 52 days worked by the accused from about November 30, 1983 until July 9, 1984, the accused has only worked two days during the month of June, 1984, and eight days during the month of May, 1984;
- (e) On or about June 23, 1984, the accused was scheduled to work the midnight watch. Prior to his tour of duty on that date, the accused contacted the relief supervisor and requested that he be carried on vacation leave or sick leave. The relief supervisor denied the accused's request and the accused refused to report to work on that date;
- (f) The accused, by excessively using sick leave and refusing to report to work on June 23, 1984 as requested, by failing to appear at the Police Range as scheduled on June 15, 1984, by failing to obey orders, and failing to submit a valid physician's certificate after being ordered to do so, has engaged in conduct which tends to subvert the good order and efficiency of the Department and which reflects discredit upon the Department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."



and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, November 8, 1984 and Thursday, November 29, 1984, and on Thursday, November 29, 1984, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-4; Specification No. 2, violation of Rule A-11; Specification No. 3, violation of Rule A-11; Specification No. 4, violation of Rule B-3; and Specification No. 5, violation of Rule A-9, of General Order D-1, as preferred by the Chief of Police against Sergeant Hugh Elbert, are sustained by the evidence presented; therefore be it;

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that the following discipline be imposed:

Specification No. 1	[penalty]	Termination
Specifications No. 2, 3, 4 and 5	[penalty]	30 Days Suspension

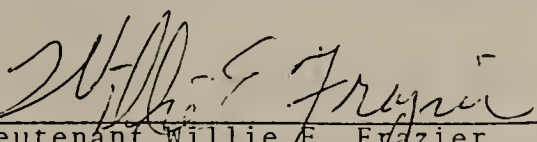
and be it further;

RESOLVED, that said termination shall be held in abeyance for two years, commencing from November 29, 1984, as The Commission approves Sergeant Elbert's application for the Alternative to Punishment Program set forth in Rule VIII of General Order D-4 of the San Francisco Police Department, provided that Sergeant Hugh Elbert shall serve 30 calendar days suspension, commencing on Friday, November 30, 1984 at 0001 hours, and ending on Saturday, December 29, 1984 at 2400 hours, and shall complete the Program prescribed by the Diversion Eligibility Committee and shall comply with the Rules and Procedures of the San Francisco Police Department during the two year follow-up period. If Sergeant Hugh Elbert successfully completes the Alternative to Punishment Program and complies with the Orders, Rules and Procedures of the San Francisco Police Department during the two year period, said termination shall be dismissed. If Sergeant Elbert fails to comply with the Orders, Rules and Procedures of the San Francisco Police Department during this two year period, the termination order shall be imposed.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



06 DECEMBER 1984EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, December 6, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

06 DECEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, December 6, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

Commissioner Alfred Nelder presiding.

APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 18, 1984APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1466-84ALFONSO GUERRERO vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfonso Guerrero in the sum of \$4,000.00 in Superior Court No. 800-697 entitled "Alfonso Guerrero vs. City and County of San Francisco, et al.", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 31, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1467-84JAIME FRIAS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaime Frias in the sum of \$500.00 in Superior Court No. 756-224 entitled "Jaime Frias vs. City and County of San Francisco, et al", as the result of damages, be, and the same is hereby approved.

Date of Incident: December 11, 1978

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1468-84JULIO LACAYO vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julio Lacayo in the sum of \$750.00 in Superior Court No. 800-462 entitled "Julio Lacayo vs. City and County of San Francisco, et al", as the result of damages, be, and the same is hereby approved.

Date of Incident: December 28, 1981

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1469-84PETER DEGREGORIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Degregorio in the sum of \$133.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1470-84SUSAN L. NEWTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan L. Newton, in the sum of \$99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1471-84JOANNE Y. ROULEAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne Y. Rouleau in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1472-84HAPPY & PIERRE KRAMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Happy & Pierre Kramer in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1473-84JILL ERIKA JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jill Erika Jones in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1474-84MARY L. SOLTAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary L. Soltau in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1475-84SHERI DAVENPORT CARR

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Sheri Davenport Carr in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved:

Date of Incident: October 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT; Commissioner Sanchez

RESOLUTION NO. 1476-84JEANINE K. REISBIG

RESOLVED, that the recommendation of the City Attorney in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved:

Date of Incident: October 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1477-84ANTHONY P. LIMTIACO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Limtiaco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1478-84SARA L. O'BRIEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sara L. O'Brien in the sum of \$53.25 as the result of a faulty tow, be, and the hereby approved.

Date of Incident: October 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1479-84MARC J. PELLEGRINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc J. Pellegrini in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1480-84HARRY Jr. HARTIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Jr. Hartig in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1481-84GERARD ALMENDARES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerard Almendares in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1482-84JERRY J. CONWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerry J. Conway in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1483-84JEANNE CRONIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Cronin in the sum of \$53.25 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: November 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1484-84MICHAEL ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Allen in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1485-84KIMCHI THI HA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimchi Thi Ha in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1486-84SYLVIA M. FLETES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia M. Fletes in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1487-84DAVID RINGUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Ringue in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1488-84HUGH ESTEN

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Hugh Esten in sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1489-84MICHAEL POPUCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Popuch in the sum of \$23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 1531-84

RESOLVED, that the Traveling Expense Vouchers submitted by Officer Samuel Craig, Officer Vickie Quinn and Officer Jerome Senkir of the Police Academy, in the amount of \$692.20 each for expenses incurred in attending the P.O.S.T. Driver Training Instructors' Course in Sonoma, California from November 19th to November 21, 1984, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1532-84

RESOLVED, that the Traveling Expense Voucher submitted by Sergeant Dennis Gustafson of Community Services Division, in the amount of \$90.00 for expenses incurred in attending the Making Contact Seminar in San Francisco from October 31st to November 1, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1533-84

RESOLVED, that the Traveling Expense Vouchers submitted by Lieutenant George Kowalski and Lieutenant Thomas Murphy of the Investigations Bureau, in the amount of \$336.00 each for expenses incurred in attending the Assertive Supervision Course in Fresno from November 13th to November 15, 1984, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1534-84

RESOLVED, that the Traveling Expense Vouchers submitted by Deputy Chief Richard Trueb & Lieutenant Edmund Pecinovsky of the Administration Bureau in the amount of \$221.00 each and, Lieutenant Alexander Stevens of the Legal Division in the amount of \$65.00, for expenses incurred in attending the 1984 CPOA Training Conference in Sacramento from November 16th to November 18, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1535-84

RESOLVED, that the Traveling Expense Voucher submitted by Sergeant James Hall of the Tactical Division, in the amount of \$1,336.50 for expenses incurred in attending the Special Weapons Tactics Refresher Training Course in Fort Ord from November 6th to November 7, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER THOMAS PARISI, POLICE SERVICE AIDE DEWAYNE TULLY AND SENIOR MANAGEMENT ANALYST JOHN KAYE, PLANNING AND RESEARCH DIVISION, BE AUTHORIZED TO ATTEND THE 1985 LEGAL UPDATE SEMINAR IN HAYWARD ON TUESDAY, 12/18/84

RESOLVED, that the recommendation of the Chief of Police that Officer Thomas Parisi, Police Service aide Dwayne Tully and Senior Management Analyst John Kaye, Planning and Research Division, be authorized to attend the 1985 Legal Update Seminar in Hayward, on tuesday, December 18, 1984, is hereby approved; and be it further

RESOLVED, that expenses incurred in attending the seminar in the amount of \$51.80 each for tuition and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1537-84

RECOMMENDATION OF THE ACTING CHIEF OF POLICE THAT CAPTAIN CHARLES BEEN AND LIEUTENANT JOHN GLEESON, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND THE CRITICAL INCIDENT MANAGEMENT SEMINAR IN SANTA ANA, CALIFORNIA ON DECEMBER 11, 1984

RESOLVED, that the recommendation of the Acting Chief of Police that Captain Charles Beene and Lieutenant John Gleeson, Tactical Division, be authorized to attend the critical Incident Management Seminar, conducted by the California Commission on Peace Officers Standards and Training in Santa Ana, on December 11, 1984, is hereby approved; and be it further



RESOLVED, that expenses in the amount of \$287.00 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Alfred Nelder announced that The Commission had met in Executive Session in accordance with the Brown Act and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief advised The Commission that he had no report tonight.

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #33 HELD BY MR. HOWARD GOLDSTEIN (CONTINUED FROM MEETING OF NOVEMBER 8, 1984 TO CONDUCT STUDY BY TASK FORCE)

Continued to December 13, 1984.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT MR. CHARLES C. GRAY A TAXICAB OWNER PERMIT

RESOLUTION NO. 1459-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICAB - (APPROVED)

WHEREAS, the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on March 22, 1984, March 29, 1984 and continued to and including December 6, 1984; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that said taxicab owner permits shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below-named applicants:

Mr. Yee N. CHIU

Mr. Charles C. GRAY

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez



RESOLUTION NO. 1460-84APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FOR THE OPERATION OF A TAXICAB - DENIED

WHEREAS, Mr. Frank J. Tripoli applied to The Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on Thursday, March 22, 1984; Thursday, March 29, 1984; Thursday, December 6, 1984; and

WHEREAS, Mr. Tripoli appeared before The Commission and was not represented by counsel; and

WHEREAS, it was brought to the attention of The Police Commission that Mr. Tripoli and his wife currently own four (4) taxi permits and pursuant to the Provisions of Proposition "K", Section 2, Subsection (b), quoted herewith in part..."no more than one permit shall be issued to anyone person"; and

WHEREAS, two concurring opinions have been received from the San Francisco Police Department's Legal Office and the City Attorney's Office, acknowledging that Mr. Tripoli is ineligible to receive another taxi owner's permit and if one was issued to him it would be in direct violation of Proposition "K"; and

WHEREAS, Mr. Tripoli, speaking in his own behalf, failed to present testimony or clear and convincing evidence as to why the provisions of Proposition "K" would not be applicable in his case; therefore be it

RESOLVED, that it is the Order of The Police Commission that Mr. Frank J. Tripoli's application for certificate of Public Convenience and Necessity for the operation of a new taxi cab owner permit shall be, and the same is hereby denied.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF POLICE SERGEANT RICHARD
J. BRAUN, INGLESIDE STATIONRESOLUTION NO. 1491-84

WHEREAS, the date to be set for the disciplinary hearing of Police Sergeant Richard J. Braun, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for February 7, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Richard Braun, Ingleside Station, is set for Thursday, February 7, 1985 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



SETTING OF DATE FOR HEARING OF POLICE OFFICER CHARLES
E. LARSON, CRIMINALISTICS SECTION/CRIME LAB

RESOLUTION NO. 1465-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Charles E. Larson, Criminalistics Division/Crime Lab, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for February 7, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Charles E. Larson, Criminalistics Division/Crime Lab, is set for Thursday, February 7, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE
COMMISSION ADOPT THE GENERAL ORDER TO IMPLEMENT THE
RE-ORGANIZATIONAL PROPOSAL WHICH WILL SEPERATE THE
PATROL FORCE INTO TWO DIVISIONS AND CREATE AROUND THE
CLOCK COMMAND RESPONSIBILITY

Continued to December 13, 1984.

HEARING OF POLICE OFFICER EDWARD L. WALDORPH, MUNI
TRANSIT DIVISION

The hearing of Police Officer Edward Waldorph, MUNI Transit Division, was called it having been set for this date. Officer Waldorph was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to obey lawful orders of superiors (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to treat members of the public with respect and courtesy while acting as a peace officer off-duty (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.



Police Officer Edward Waldorph appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash at which time he requested a deletion of (f) in Specification No. 1, which was approved.

Mr. John Prentice reserved his opening statement until the conclusion of the Prosecuting case.

The following named witnesses were called by the Prosecution, were sworn and testified:

Patricia Bosnich	2055 Van Ness Avenue
Mrs. Deborah Ele-Coleman	Monterey Boulevard
Mr. Thomas Kazarian	Teamster
Sergeant William Doherty	MUNI Transit
Captain William Scheffler	Central Station

The following named witnesses were called by the Defense, were sworn and testified:

Sergeant Robert Bellous	MUNI Transit Division
Mr. Richard Hallinger	Cable Car Clothiers
Mr. Richard Stewart	45 Collingwood
Mr. Robb Marvin	50 8th Street
Officer Edward Waldorph	Communications

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Photocopy of Traffic Citation, dated 02/27/84
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Exhibit #2	Photocopy of Traffic Citation, dated 02/07/84
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Exhibit #3	Photocopy of Traffic Citation, dated 02/02/84
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Exhibit #4	Photocopy of Traffic Citation, dated 02/13/84
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Exhibit #5	Intra-Departmental Memorandum, dated 09/16/83 (not entered into evidence)
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The following exhibit was entered into evidence by the Defense:

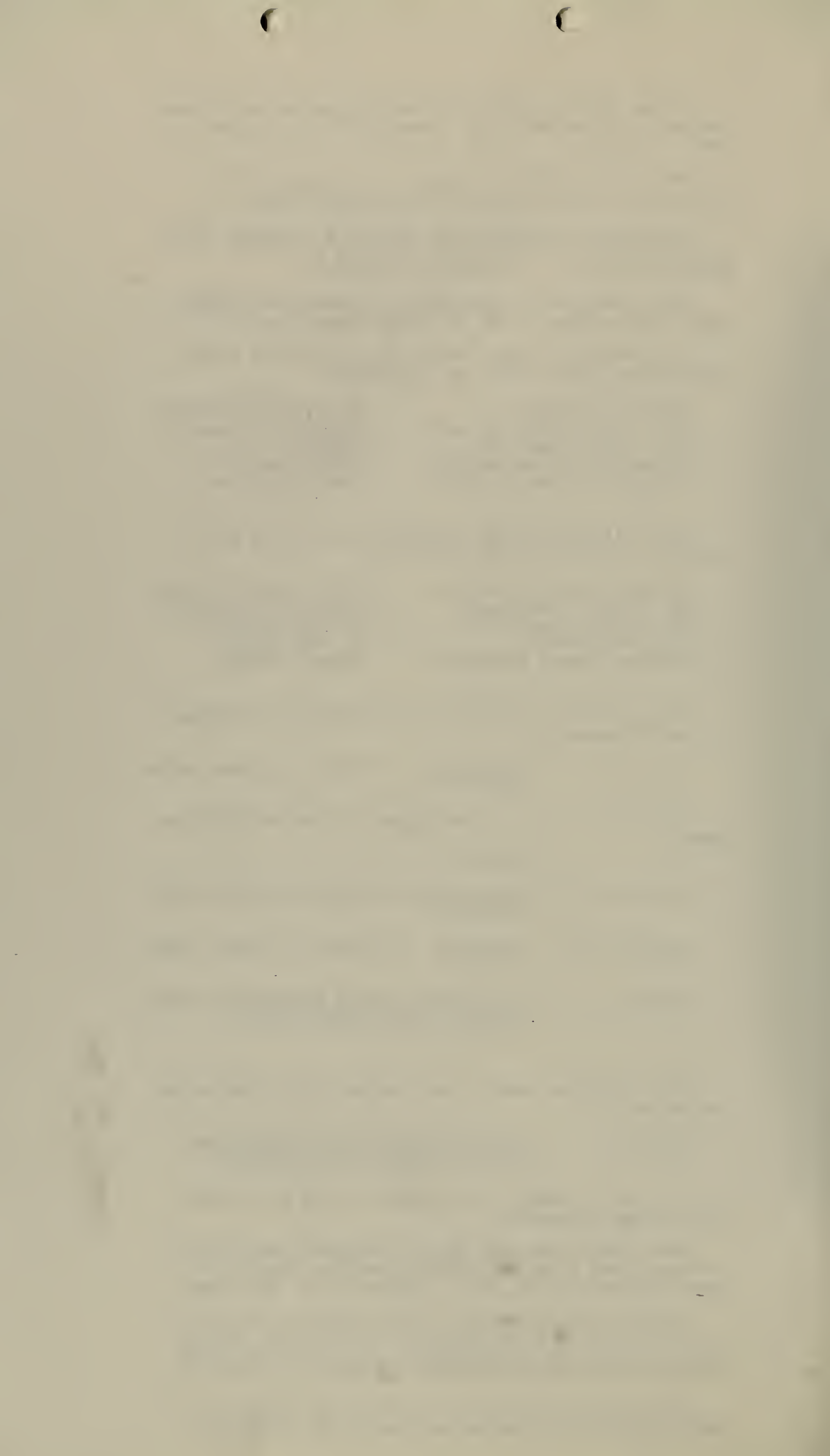
Exhibit A	San Francisco Police Department General Order's D-1 and I-14
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Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed, and returned finding that the charges in Specifications No. 1, No. 2 and No.3, are sustained.

Based on those findings, the Commission requested a recommendation from Acting Chief of Police George Eimil. It is the recommendation of the Acting Chief of Police that Officer Edward Waldorph be terminated.

The Commission again took the matter under submission and the following resolution was adopted:



RESOLUTION NO. 1462-84DECISION - HEARING OF POLICE OFFICER EDWARD L. WALDORPH, MUNI TRANSIT

WHEREAS, on March 21, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Edward L. Waldorph, MUNI Transit Division as follows:

SPECIFICATION NO. 1

Failure to obey lawful orders of superiors (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Edward L. Waldorph, Star 1447, was and is a police officer employed by the San Francisco Police Department and assigned to the MUNI Transit Division;
- (b) As a police officer, Officer Waldorph (hereinafter referred to as the accused) was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;
- (c) On or about September 16, 1983, or sometime thereafter, the accused was ordered by Sergeant William Dougherty, Star 1002, and Captain William Scheffler, Star 1199, to not issue traffic citations while off-duty;
- (d) On or about February 27, 1984, the accused at approximately 1810 hours, while off-duty, issued Citation No. 015545821 to a vehicle parked at 32-36 Collingwood Street in San Francisco;
- (e) On or about February 13, 1984, the accused at approximately 1450 hours, while off-duty, issued Citation No. 015545784 to a vehicle parked at 32-36 Collingwood Street in San Francisco;
- * (f) On or about February 7, 1984, the accused, at approximately 2100 hours, while off-duty, issued Citation No. 018616710 to a vehicle parked at Collingwood and Market Streets in San Francisco;
- (g) The accused resides at 36 Collingwood Street in San Francisco;
- (h) The accused, by issuing traffic citations while off duty after being ordered by his superiors to stop issuing traffic citations while off-duty, has violated Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

(*Deleted)

"Members shall properly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superiors direction."



SPECIFICATION NO. 2

Failure to treat members of the public with respect and courtesy while acting as a peace officer off-duty (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 is hereby incorporated as if set forth fully herein;
- (b) On or about February 28, 1984, at approximately 0740 hours, Mr. Thomas Kazarian went to 36 Collingwood Street, to talk to the accused regarding a traffic citation the accused had issued to the car of Mr. Kazarian's sister the night before;
- (c) The accused came to the door with his badge and gun. The accused addressed Mr. Kazarian with harsh and profane language and pushed or shoved, Mr. Kazarian down the stairs;
- (d) The accused, by using harsh and profane language toward a citizen, and pushing or shoving the citizen down the stairs while acting in his capacity as a peace officer off-duty, has violated Rule A-14 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil language. When requested, members shall promptly and politely provide their name, star number and assignment."

SPECIFICATION NO. 3

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 and paragraphs (a) through (d) of Specification No. 2 is incorporated as if set forth fully herein;
- (b) On or about February 7, 1984, the accused while issuing Citation No. 018616710 to a vehicle parked at Collingwood and Market Streets, failed to properly complete the original copy of the traffic citation. However, the accused completed the copy of the traffic citation and submitted said copy, rather than void the citation;
- (c) On or about February 28, 1984, at approximately 0740 hours, the accused pulled his weapon on Mr. Kazarian while talking to Mr. Kazarian regarding the traffic citation the accused had issued to Mr. Kazarian's sister's vehicle.



- (d) The accused, by failing to properly issue a traffic citation, by displaying his weapon to Mr. Kazarian, by shoving or pushing Mr. Kazarian down the stairs, and writing traffic citations in his own neighborhood while off-duty, after being ordered to stop issuing traffic citations while off-duty, has violated Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing of said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, December 6, 1984, and on Thursday, December 6, 1984, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Commission finds that the allegations contained in the charges of Specification No. 1, violation of Rule A-11 of General Order D-1; Specification No. 2, violation of Rule A-14 of General Order D-1; and Specification No. 3, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer Edward L. Waldorph, are sustained by the preponderance of the evidence presented. The Commission therefore adopts the language of said charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department; The Commission orders that the following discipline be imposed:

Specification No. 1	[penalty]	Termination
Specification No. 2	[penalty]	Termination
Specification No. 3	[penalty]	Termination

and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

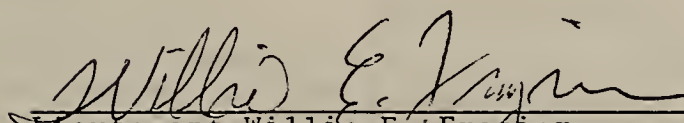
Recesses taken during the hearing of Officer Waldorph:

7:44 p.m.	to	7:50 p.m.
8:18 p.m.	to	8:50 p.m.
10:40 p.m.	to	10:50 p.m.
1:30 a.m.	to	1:40 a.m.
1:50 a.m.	to	2:02 a.m.



(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR).

THE MEETING WAS THEN ADJOURNED IN MEMORY OF CHIEF OF INSPECTORS CORNELIUS P. MURPHY, Sr. FATHER OF CURRENT CHIEF OF POLICE CORNELIUS P. MURPHY, Jr.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



13 DECEMBER 1984EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, December 13, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

13 DECEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, December 13, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

Commissioner David Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF OCTOBER 25, 1984APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1492-84ROBERT SALMON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Salmon in the sum of \$15,000.00 in Superior Court No. 800-616 entitled "Robert Salmon vs. City and County of San Francisco, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1982

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1497-84CHARLOTTE BEHR vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlotte Behr in the sum of \$6,108.60 in Superior Court No. 796-764 entitled "Charlotte Behr vs. City and County of San Francisco, Herman Clark, and DOES ONE through FIFTEEN, inclusive", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 26, 1982

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1498-84CALIF. STATE AUTOMOBILE ASSN./JOAN HOPE aka JOAN SHAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Automobile Association/Joan Hope aka Joan Shaw, in the sum of \$296.72 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1499-84ABC TOWING (HALE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hale) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 23, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1500-84ABC TOWING (GRAY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gray) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1501-84ABC TOWING (WICKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Wicker) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1502-84ABC TOWING (VILLANUEVA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Villanueva) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1503-84ABC TOWING (POTTS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Potts) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1504-84ABC TOWING (MULLINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mullins) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1505-84LARRY SHOCKEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Larry Shockey in the sum of \$72.93 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 27, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1506-84YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc., in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1507-84ALLEN BIGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allen Biggs in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1508-84ABC TOWING (J. BROWN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (J. Brown) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1509-84ABC TOWING (DUFF)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Duff) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1510-84DALE F. De-BEAUCLAIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dale F. De-Beauclair in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1512-84PHILIP F. CONWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip F. Conway in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

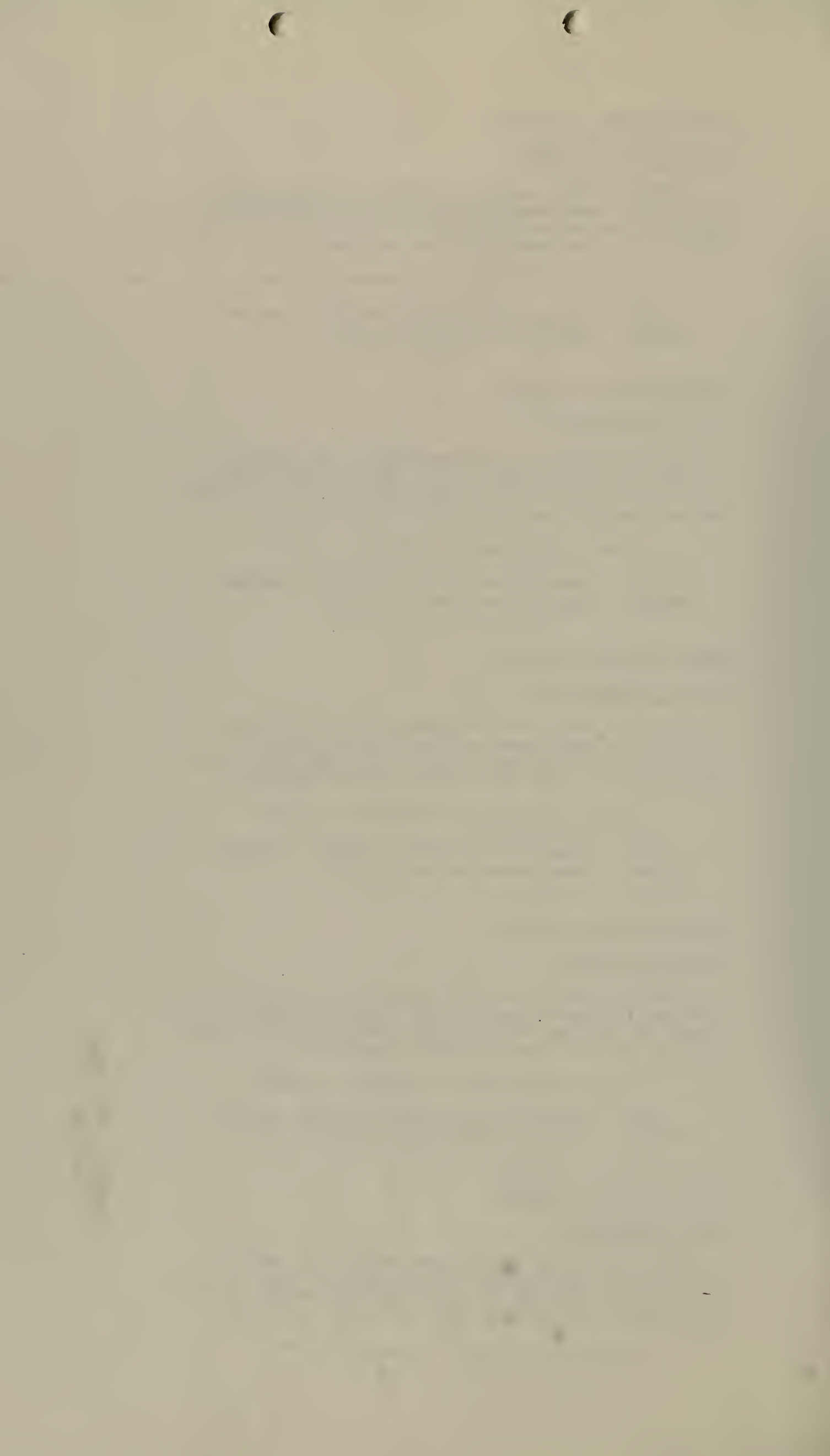
Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1513-84TRISH McDERMOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Trish McDermott in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1984



RESOLUTION NO. 1514-84ALAYNE MacARTHUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alayne MacArthur in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1515-84PAUL F. KURPINSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Kurpinsky in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1516-84JOHN C. KEATOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John C. Keator, in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1517-84JAMES R. HECHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Hecht in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1518-84JUDITH A. GRAMALIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Gramalia in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1519-84ELEANOR FRIEDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor Friedman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1520-84JACK E. MORTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack Morton in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1521-84ROBERT L. JUPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Jupe in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1522-84KAREN D. BUTTERFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Butterfield in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1523-84MING LEE YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ming Lee Yu in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1524-84ABC TOWING (BLASINGAME)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Blasingame) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 1526-84

RESOLVED, that the Refund Checks submitted by Lieutenant Allan Mould of the Field Training Office, to the San Francisco Police Department for un-used monies in the amount of \$104.00 for Training on November 4, 1984 and another for \$26.00 for Training from November 11th to November 16, 1984, at the Field Training Officer Course in Santa Cruz, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1527-84

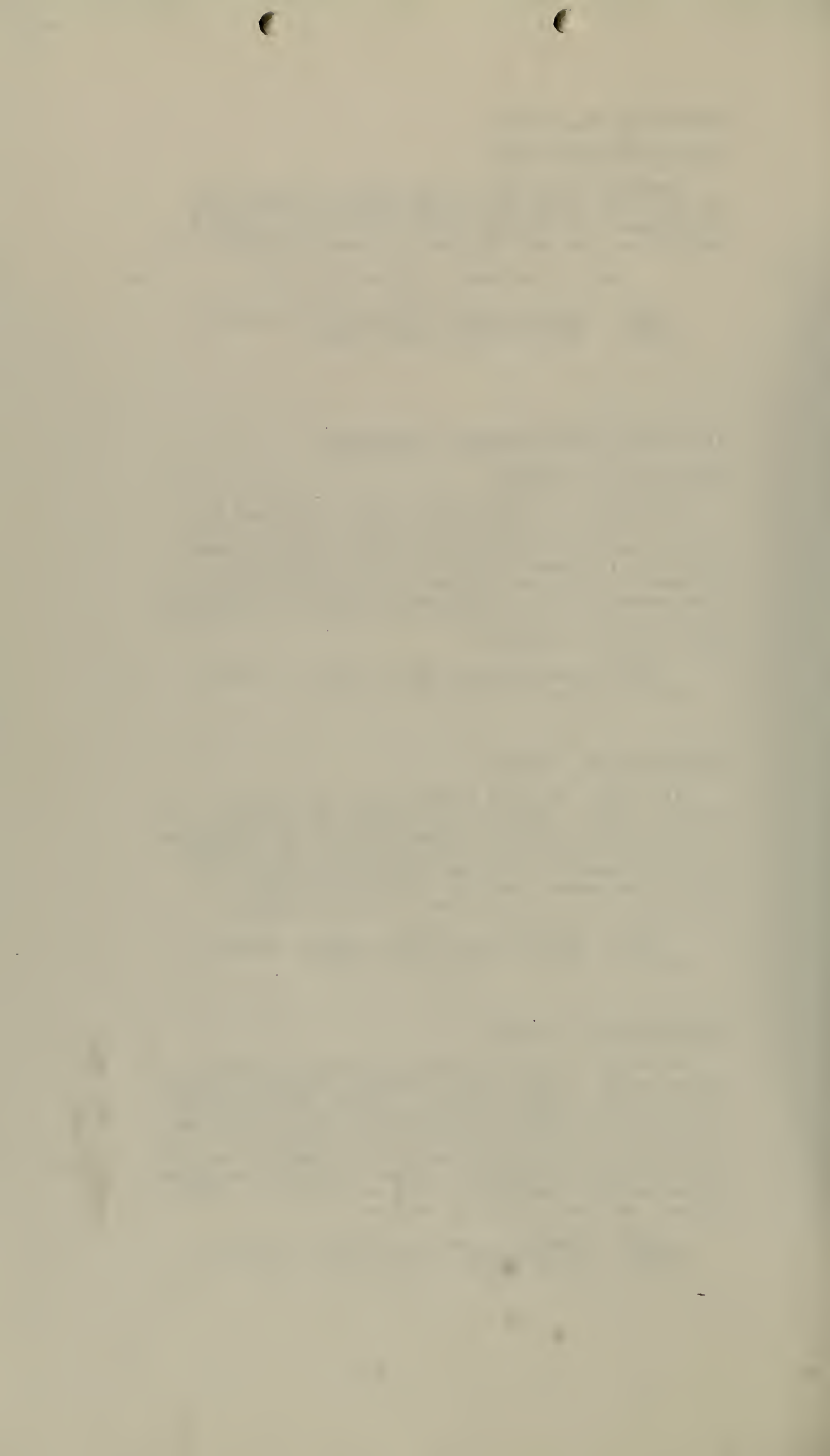
RESOLVED, that the Refund Check submitted by Sergeant Robert Hankins of the Tactical Division, to the San Francisco Police Department for un-used monies in the amount of \$148.50 for Training from November 8th to November 9, 1984 at the Special Weapons and Tactics Refresher Training Course in Fort Ord, California, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 1528-84

RESOLVED, that the Traveling Expense Vouchers submitted by Inspector John Fowlie, Inspector Raymond Driscoll, and Inspector Peter Godbois of the Hit and Run Section & Officer Gary Manini of Mission Station, in the amount of \$28.00 owed to each member (in addition to the money advanced) for expenses incurred in attending the Traffic Accident Investigation Course in Sacramento from October 29th to November 9, 1984, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



RESOLUTION NO. 1529-84

RESOLVED, that the Traveling Expense Voucher submitted by Attorney Rea E. Puccinelli of the Department's Legal Office, in the amount of \$227.80 for expenses incurred in attending the 1984 CPOA Training Conference in Sacramento from November 16th to November 17, 1984, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

SETTING OF DATE FOR HEARING OF POLICE SERGEANT RICHARD J. BRAUN, INGLESIDE STATIONRESOLUTION NO. 1491-84

WHEREAS, the date to be set for the disciplinary hearing of Police Sergeant Richard J. Braun, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for February 7, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Richard Braun, Ingleside Station, is set for Thursday, February 7, 1985 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE MICHAEL D. JAMISON, POTRERO STATION

The hearing of Police Officer Michael D. Jamison, Potrero Station, was called it having been set for this date. Police Officer Michael Jamison was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Officer Michael D. Jamison did not appear and was not represented by counsel.

A motion was made by Mr. Michael E. Gash, on behalf of the Police Department, that the matter be withdrawn as it has been resolved at the Chief's Level; therefore be it

RESOLVED, that the charges filed against Officer Michael Jamison, Potrero Station, is continued off calendar by Order of The Police Commission.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler



POLICE OFFICER YVONNE L. HARBOR, POTRERO STATIONRESOLUTION NO. 1495-84

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Yvonne L. Harbor, Potrero Station as follows:

CHARGE NO. 1

Failure to make a written report to her commanding officer (a violation of Section A-26 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to make a written report to her commanding officer (a violation of Section A-26 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Neglect of duty which reflects discredit upon the Department (a violation of Section A-9 of General Order D-1 of the San Francisco Police Department).

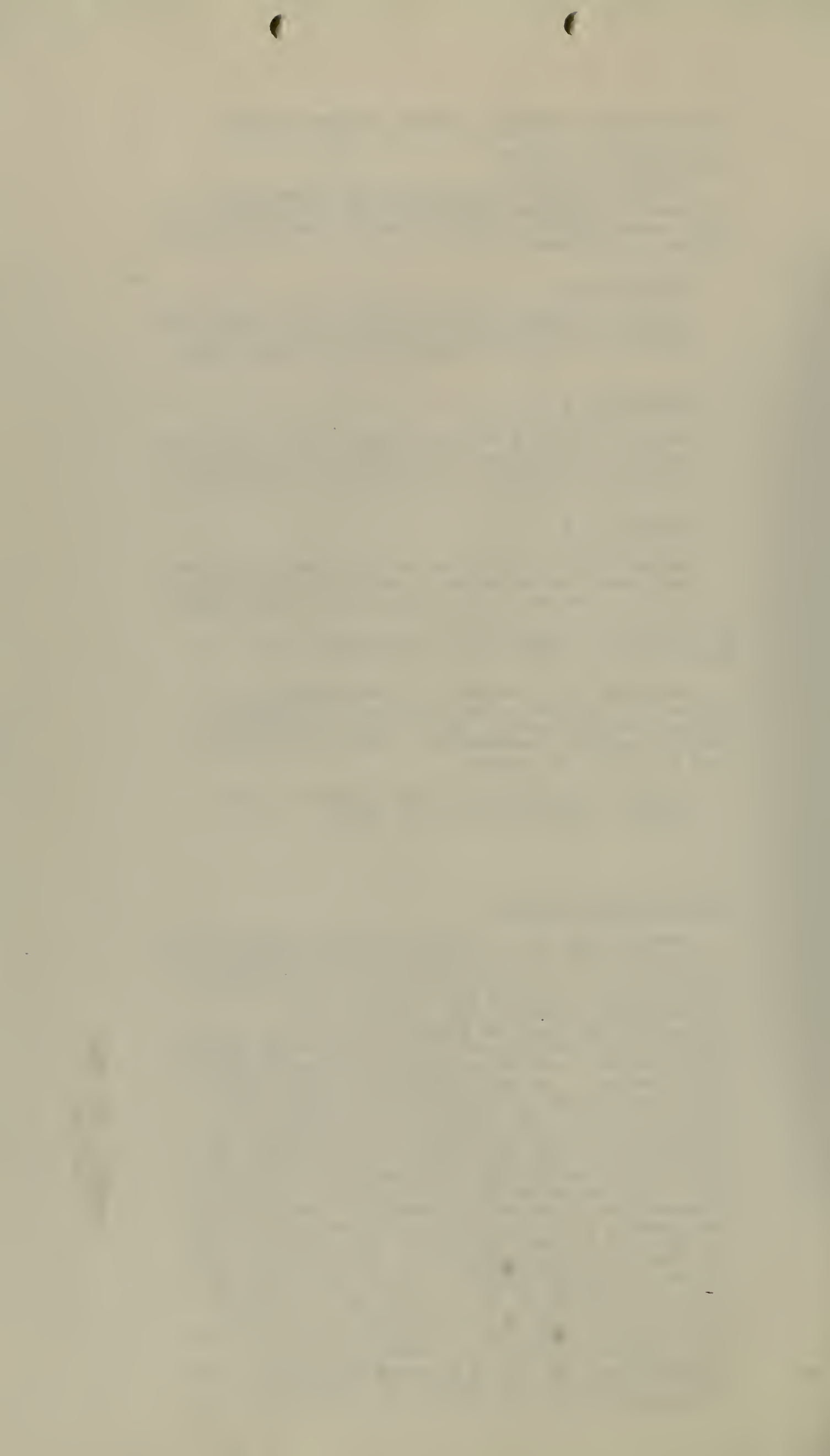
by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Yvonne L. Harbor, Potrero Station, is set for Thursday, December 20, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

Commissioner David Sanchez said The Commission met in Executive Session this afternoon pertaining to an Attorney-Client Conference and no vote was taken. He said secondly, he would like to state briefly that this morning The Commission, the Chief and representatives from the Board of Supervisors and the Mayors Office participated in the 18th Annual Police Officer of the Year Award sponsored by the Market Street Project. He said that Officer Cota, who is a three year veteran assigned to the midnight shift at Northern Station, was selected by his peers and colleagues as being the outstanding candidate. He continued by saying that Officer Cota had received over 16 Captains Commendations including outstanding Police Work regarding the disarming of a violent attempted murder suspect, preventing a suicidal man from jumping six (6) stories to his death and that he has suffered various injuries in other matters, and has also led a tracking team for over a half mile to apprehend a murder suspect. He said Officer Cota is a native San Franciscan and coaches part time at St. Ignatius High School. He continued by saying the Officer and his wife were in attendance and it was a well attended ceremony, with members from City government and the Market Street Group involved. He said the Chief and The Commission extended their congratulations to the Officer and his family.



Commissioner Alfred Nelder said that Director Frank Schober of the Office of Citizen Complaints had advised The Commission that he was in the process of promulgating an addition to the Rules and Procedures for his staff. Commissioner Nelder continued by saying he noticed that a disposition had come back to The Commission having to do with an allegation, before Mr. Schober took over, that had to do with drinking on duty and it boiled down to the fact that there isn't any provision to include drinking on duty or off duty. Commissioner Nelder then said to Lieutenant Willie Frazier, Secretary to The Police Commission that he would suggest that the Lieutenant remind Mr. Schober that there should be an inclusion of a rule that prohibits drinking on duty by staff members of the Office of Citizen Complaints so that when he submits his completed recommendations to The Commission, that Rule would be included. He said the purpose for his bringing this up is that there would be no way to charge anyone if there were no rule prohibiting it. He then said, the second thing, to Chief Murphy, was if this push to eliminate Narcotics in Oakland and the East Bay was creating any problems on this side?

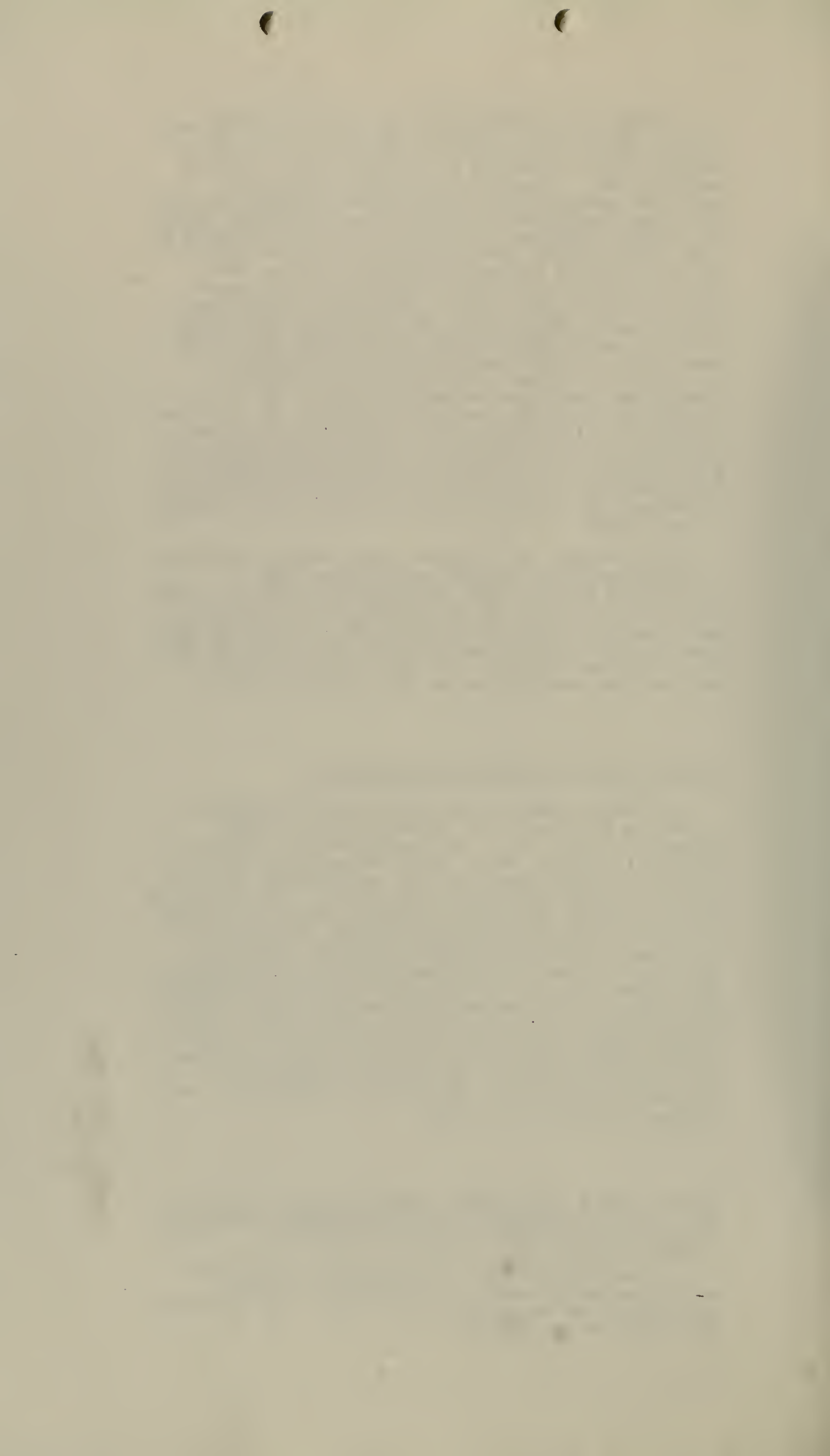
Chief Murphy, in response, said no that the City is still fortunate in that respect that the prostitutes are the only ones coming to the City. He said the drug users are not coming over to this side as he has spoken to the Captain over there in charge just a couple of days ago and they were speaking about that very same subject. He said this Department has not seen any such influx on this side of the Bay.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief said the only thing that he wanted to report to The Commission is that on the 18th of December of this year, the Department will initiate a Drunk driving Task Force and a designated number of officers, approximately 21 will be assigned to areas in the City to apprehend drunk drivers. He said those Officers detailed to this assignment will be selected from the Traffic Division and receive additional training in drunk driving observations. He said, they, rather than just having additional road blocks, the scheme will be to have drunk driving corridors, or gauntlets, for driver behavior such as going through such things as driving at night without their lights, stopping beyond the limit line and things of that nature which would lead the officers to believe that the person driving the car could be under the influence of alcohol. He said this program will run through the first of January.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNT TO \$16,748.00 TO FUND ONE (1) NEW MANAGEMENT INFORMATION SYSTEMS SPECIALISTS II POSITION - APPROVED

It was pointed out to The Commission that this matter had been amended to read \$16,748.00 and eliminated the two clerical positions. The matter was then approved as amended.



RESOLUTION NO. 1496-84

RESOLVED, that the Police Commission hereby approves the Supplemental Appropriation in the amount of \$16,748.00 to fund One (1) New Management Information Systems Specialists, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

DEPARTMENT GENERAL ORDER C-3 "WEAPONS AND PROTECTIVE EQUIPMENT INSPECTIONS" - APPROVEDRESOLUTION NO. 1543-84

RESOLVED, that the Police Commission hereby adopts Department General Order C-3 "Weapons and Protective Equipment Inspections.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #33, HELD BY MR. HOWARD GOLDSTEIN (CONTINUED FROM MEETING OF 12/06/84)

Officer Lamont Suslow from the Permit section advised The Commission that this matter had been also scheduled and heard at last week's meeting at which time The Commission directed him to send a written letter to Mr. Goldstein, which he said, was done. He said this letter was sent "certified mail return receipt requested". He said the Department received the receipt back acknowledging that Mr. Goldstein did receive the letter informing him that he needed to appear this evening to represent himself or to send a representative on his own behalf. He said neither he or his representative is here tonight.

Commissioner Alfred Nelder said that what occurred last week is the same as what has occurred tonight, Mr. Goldstein has not appeared. He said at last week's meeting, pursuant to a request by Commissioner Thomas Hsieh, Mr. Goldstein was contacted by mail and tonight The Commission has been informed that this has been done. He said he was of the opinion that The Commission should proceed to hear this matter in absentia and he then put this in the form of a motion.

Commissioner Thomas Hsieh seconded and it was unanimously approved for proceeding with Mr. Goldstein's Hearing in absentia.

Officer Suslow said the staff recommendation is that Mr. Goldstein's permit be revoked for a violation of Section 4(a) of Proposition "K" which requires continuous operation.

Commissioner Nelder said he felt it leaves The Commission no alternative other than to honor the Department's recommendation as Mr. Goldstein is not here to defend himself. He said he would therefore move for revocation. Commissioner Hsieh seconded and it was unanimously approved.



RESOLUTION NO. 1490-84RECOMMENDATION OF THE CHIEF OF POLICE FOR THE
REVOCATION OF JITNEY BUS PERMIT #33, HELD BY MR.
HOWARD GOLDSTEIN

WHEREAS, Mr. Howard Goldstein was granted a Jitney Bus Permit pursuant to Proposition "K" of August 24, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Howard Goldstein was granted a 90 day suspension on June 26, 1984 and ended on September 22, 1984, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Howard Goldstein; and

WHEREAS, Section 4(a) of Proposition "K" requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates The Police Commission to revoke the permit; and

WHEREAS, on November 8, 1984, the matter came on for a hearing before The Police Commission of the City and County of San Francisco, and continued to and included December 6, 1984 and December 13, 1984, and only on one occasion did Mr. Howard Goldstein appear and attempt a reason for non-operation; and

WHEREAS, Mr. Howard Goldstein, having been given notice by the Permit section on two (2) occasions that his appearance was mandatory to show cause why his Jitney Bus was not in operation, and on each occasion he failed to respond; therefore be it

RESOLVED, that it is the Order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license or permit authorizing Mr. Howard Goldstein to operate a Jitney Bus on the Mission Street Bus Route.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT
GENERAL ORDER TO IMPLEMENT A RE-ORGANIZATIONAL
PROPOSAL WHICH WILL SEPARATE THE PATROL FORCE INTO TWO
DIVISIONS AND CREATE AROUND THE CLOCK COMMAND
RESPONSIBILITY

Deputy Chief Kevin Mullen asked that The Commission put this matter over for one week as the Department has scheduled a Meet and Confer Session with the Police Officers' Association for this Tuesday night and would ask because of that, that it be put over for that period of time.

Commissioner Alfred Nelder said he had studied this matter very carefully and that he would vote for approval if he were here on that night next week. He said he thought that he would pass that on to his fellow Commissioners. He said he would therefore move that this recommendation be put over for one week. It was seconded by Commissioner Thomas Hsieh and it was unanimously approved.



HEARING OF POLICE OFFICER MARTY L. WAY, SUPPORT
SERVICES BUREAU/PROPERTY CONTROL DIVISION

RESOLUTION NO. 1493-84

The hearing of Police Officer Marty L. Way, Support Services Bureau/Property Control Division, was called it having been set for this date.

Police Officer Marty Way appeared in person and was represented by Mr. Terrence Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The following named witness was called by the Prosecution, was sworn and testified:

Lieutenant Tony Balzer

After listening to testimony from the above party, The Commission then adjourned at 1935 hours and the matter was continued to Thursday, January 10, 1985 at 1500 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT
SERVICES BUREAU/COMMUNICATIONS D-1 & D-2

The hearing of Police Officer Kevin P. Dempsey, support Services Bureau/Communications Division, was called it having been set for this date.

Police Officer Kevin P. Dempsey appeared in person and was represented by Mr. Stephen b. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Attorney for the San Francisco Police department.

The following named witness was called by the Prosecution, was sworn and testified:


Lieutenant Tony Balzer

After listening to testimony from the above party, The Commission then adjourned at 1935 hours and the matter was continued to Thursday, January 10, 1985 at 1500 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

(The Entire Proceedings were Taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 1935 HOURS


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



20 DECEMBER 1984EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, December 20, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Sanchez
 ABSENT: Commissioner Nelder

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

20 DECEMBER 1984REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, December 20, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Sanchez
 ABSENT: Commissioner Nelder

Commissioner David Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF NOVEMBER 1, 1984

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 1544-84

WILLIAM MATHIESON vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Mathieson in the sum of \$7,000.00 in Superior Court No. 764-370 entitled "William Mathieson vs. City & County of San Francisco", as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Daly, Hsieh, Toler, Sanchez
 ABSENT: Commissioner Nelder

RESOLUTION NO. 1545-84

WILLIAM McMANUS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William McManus in the sum of \$10,031.35 plus interest, in Superior Court No. 762-396 entitled "William McManus vs. City & County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
 ABSENT: Commissioner Nelder



RESOLUTION NO. 1546-84ROBERT E. CAPARELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Caparell in the sum of \$446.17 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1547-84ERIC ADAMS, et al, vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric Adams in the sum of \$4,000.00 in Superior Court No. 793-004 entitled "Eric Adams, et al, vs. City & County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 10, 1981

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1548-84AKLIMA TAMARRA vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aklima Tamarra in the sum of \$2,400.00 in Superior Court No. 802-391 entitled "Aklima Tamarra vs. City & County of San Francisco", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 16, 1982

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1549-84EILEEN E. BOYLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eileen E. Boyle in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



RESOLUTION NO. 1550-84KURT GESELBRACHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt Geselbracht in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1551-84FRANKLIN GREENWALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Franklin Greenwald in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1552-84BENNIE ISBY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bennie Isby in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1553-84STANFORD LAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanford Lai in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

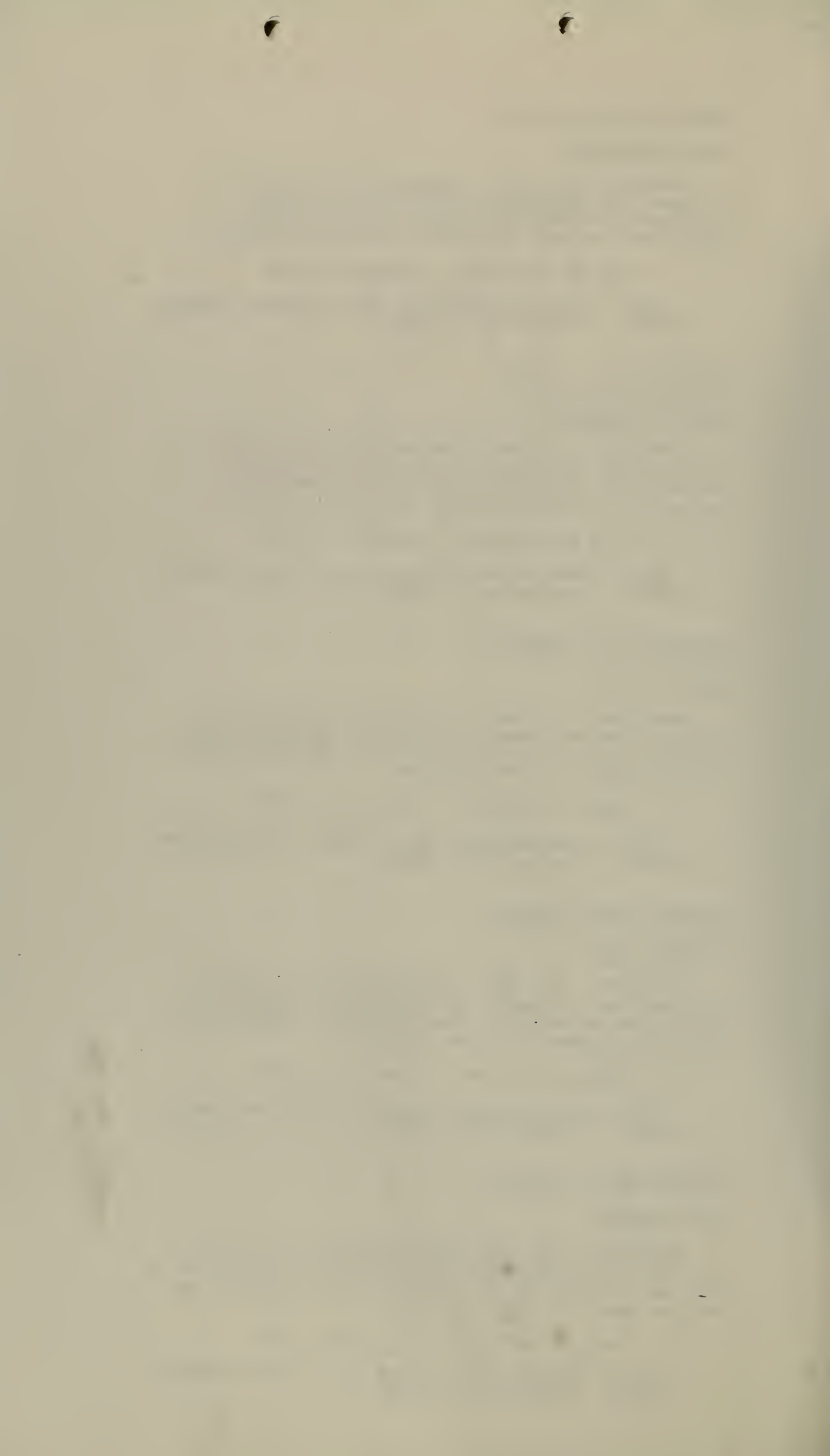
AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1554-84JOAN LEVINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Levine in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



RESOLUTION NO. 1555-84JILL MANTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jill Manton in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1556-84RAY MAXWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Maxwell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1557-84TERESA OMACHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresa Omachi in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1558-84BETTY L. TRAYNOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Betty Traynor in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1559-84ELIZABETH CHARLTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Charlton in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



RESOLUTION NO. 1560-84WENDY GAINES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy Gaines in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1561-84OLISA HONDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Olisa Honda in the sum of \$53.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1562-84KERMIT C. HUTCHINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kermit Hutchins in the sum of \$76.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1563-84EVA MARIE KELLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eva Marie Kelly in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1984

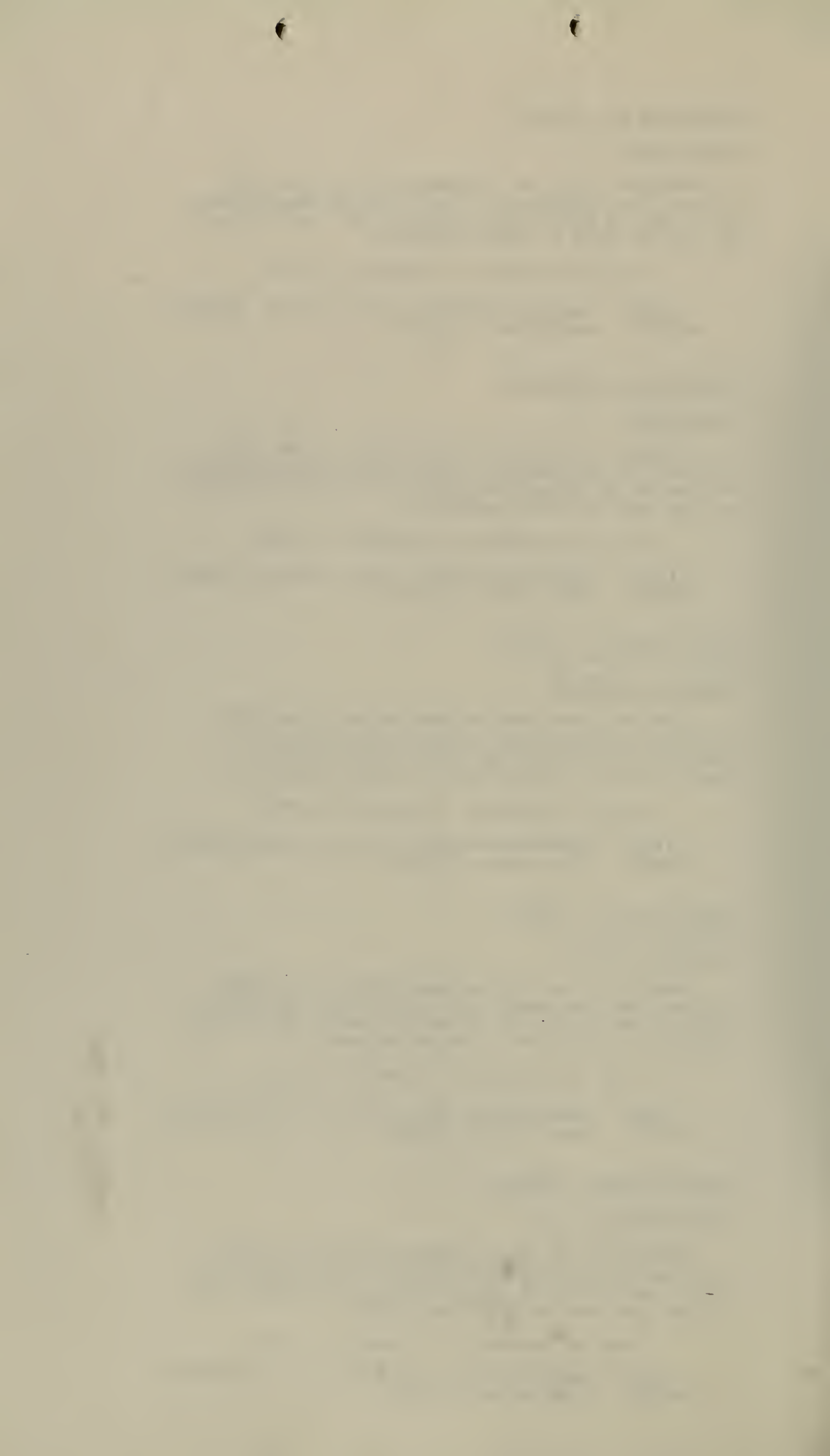
AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1564-84GINO RINALDI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gino Rinaldi in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



RESOLUTION NO. 1565-84ROSARIO RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosario Rodriguez in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1566-84JUDY STROMBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judy Stromberg in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1567-84MICHAEL WAGY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Wagy in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 1568-84

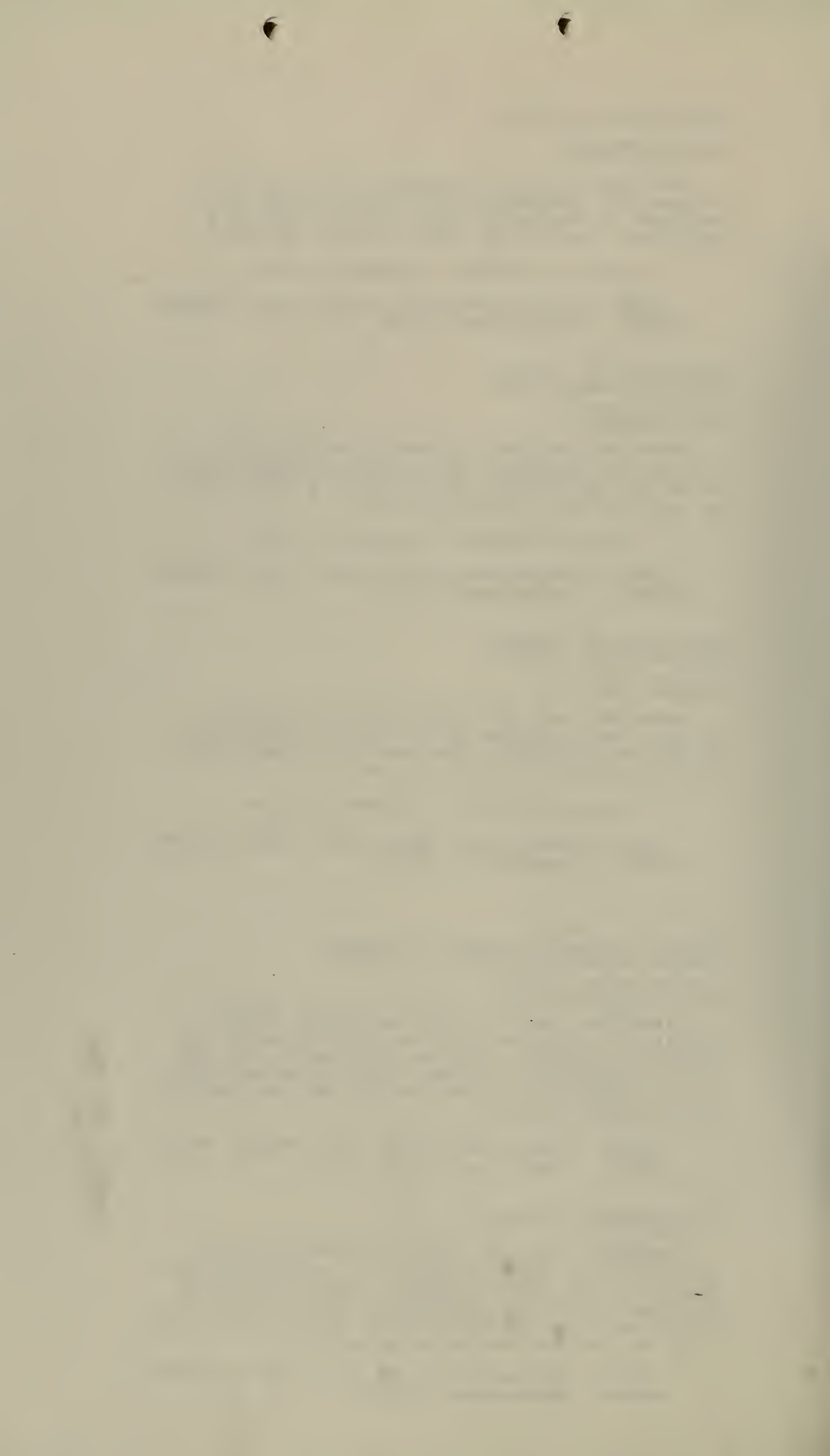
RESOLVED, that the Traveling Expense Voucher submitted by Sergeant Alan Benner in the amount of \$291.00 for expenses incurred in attending the CPOA 1984 All-Committee Training Conference in Sacramento from November 15th to November 18, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1569-84

RESOLVED, that the Traveling Expense Vouchers submitted by Sergeant James B. Hall and Officer Mark Potter, in the amount of \$300.00 each for expenses incurred in attending the Seminar on Low Lethality Munitions in Novato from November 18th to November 30, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
absent; Commissioner Nelder



RESOLUTION NO. 1570-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT ATTORNEY REA E. PUCCINELLI, LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE CPOA LEGAL ADVISORS COMMITTEE MEETING IN NEWPORT BEACH, CALIFORNIA ON DECEMBER 13, 1984

RESOLVED, that the recommendation of the Chief of Police that Attorney Rea E. Puccinelli, Legal Division, be authorized to attend the CPOA Legal Advisors Committee Meeting, presented by the California Peace Officers' Association in Newport Beach, California on December 13, 1984, is hereby approved; and be it further

RESOLVED, that expenses incurred in attending the meeting in the amount of \$211.00 for airfare and meals will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1571-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER DONNA DeMARTINI, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO FROM JANUARY 6th TO JANUARY 18, 1985

RESOLVED, that the Recommendation of the Chief of Police that Officer Donna DeMartini, Narcotics Section, be authorized to attend the Narcotic Investigation Course, conducted by the California Department of Justice in Sacramento, from January 6th to January 18, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$764.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1572-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT JOSEPH NORTHERN, MANAGEMENT CONTROL DIVISION, BE AUTHORIZED TO ATTEND THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE IN SACRAMENTO FROM JANUARY 14th TO JANUARY 18, 1985

RESOLVED, that the recommendation of the Chief of Police that Sergeant Joseph Northern, Management Control Division, be authorized to attend the Specialized Surveillance Equipment Training Course conducted by the California Department of Justice in Sacramento, from January 14th to January 18, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$382.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



RESOLUTION NO. 1573-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT DEPUTY CHIEF RICHARD TRUEB & LIEUTENANT EDMUND PECINOVSKY, ADMINISTRATION BUREAU, AND LIEUTENANT MICHAEL CONNORS, PERSONNEL AND TRAINING DIVISION, BE AUTHORIZED TO ATTEND THE LEAGUE OF CALIFORNIA CITIES EMPLOYEE RELATIONS INSTITUTE IN OAKLAND, FROM JANUARY 23rd TO JANUARY 24, 1985

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Richard Trueb and Lieutenant Edmund Pecinovsky, Administration Bureau, and Lieutenant Michael Connors, Personnel and Training Division, be authorized to attend the League of California Cities Employee Relations Institute, in Oakland from January 23rd to January 24, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$90.00 each for tuition will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commissioner Davis Sanchez said The Police Commission met in an Executive Session this afternoon pertaining to legal Attorney-Client matters and no vote was taken.

Commissioner Thomas Hsieh said that he wanted to extend a very nice holiday to everyone as this is going to be the last meeting for the year.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said as of last night they had the Drunk Driving Task Force out and they made 17 felony arrest.

Commissioner Sanchez said that was fantastic as he had looked at some figures from the Highway Patrol on their number of stops and there were only five of over 2,000 stops.

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT
GENERAL ORDER TO IMPLEMENT A RE-ORGANIZATIONAL
PROPOSAL WHICH WILL SEPARATE THE PATROL FORCE INTO TWO
DIVISIONS AND CREATE AROUND THE CLOCK COMMAND
RESPONSIBILITY

Deputy Chief Kevin Mullen, of the Staff Services Division, said he would request that this matter be continued once again. He said they have met and conferred with the Police Officers' Association. He said there was some material they had asked for, additional material which was sent to them and there is another meeting scheduled for next Wednesday, which was the earliest meeting they could have with the Holidays fast approaching.

Commissioner Thomas Hsieh then pointed out that The Commission will not have a meeting next week and suggested that this matter be put over to January 3, 1985. Commissioner Burl Toler so moved, Commissioner Hsieh seconded and it was unanimously approved.



SETTING OF DATE FOR HEARING OF POLICE OFFICER YVONNE
L. HARBOR, POTRERO STATION

RESOLUTION NO. 1538-84

WHEREAS, the date for the hearing of the disciplinary charges filed against Officer Yvonne Harbor, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the hearing before The Police Commission be set for February 14, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Yvonne Harbor, Potrero Station, is set for Thursday, February 14, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

HEARING OF POLICE VINCENT CATANZARO, TACTICAL DIVISION

RESOLUTION NO. 1541-84

The hearing of Police Officer Vincent Catanzaro, Tactical Division, was called it having been set for this date. Officer Vincent Catanzaro was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Unnecessary Force (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Neglect of duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Conduct unbecoming an officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Vincent Catanzaro did not appear but was represented by Mr. John Prentice, Attorney at Law.

A Motion was made by Mr. Jerry A. Akins, Attorney at Law representing the San Francisco Police Department, on behalf of the Police Department, that the matter be withdrawn as it has been resolved at the Chief's Level; therefore be it

RESOLVED, that the charges filed against Police Officer Vincent Catanzaro, Tactical Division, is hereby continued off-calendar by Order of The Police Commission.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



HEARING OF SERGEANT JAMES B. HALL, TACTICAL DIVISION

RESOLUTION NO. 1542-84

The Hearing of Police Sergeant James B. Hall, Tactical Division, was called it having been set for this date. Police Sergeant James Hall was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Sergeant James Hall did not appear but was represented by Mr. Stephen B. Bley, Attorney at Law.

A motion was made by Mr. Jerry W. Akins, Attorney at Law representing the San Francisco Police Department, on behalf of the Police Department, that the matter be withdrawn as it has been resolved at the Chief's level; therefore be it

RESOLVED, that the charges filed against Police Sergeant James B. Hall, Tactical Division, is hereby continued off-calendar by Order of The Police Commission.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

REQUEST FOR A SUPPLEMENTAL APPROPRIATION TO FUND
PROJECT S.A.F.E. (SAFETY AWARENESS FOR EVERYONE) FOR
FISCAL YEAR 1984-85

Captain Paul Kotta, Commanding Officer of the S.A.F.E. (Safety Awareness For Everyone) Project, appeared on this item and stated this was a request for \$132,264.00 Supplemental Appropriation total budget for the S.A.F.E. Project. He said the original budget was suppose to have been supplemented by a state grant but due to the fact that S.A.F.E. had been funded by the State the previous fiscal year, they were no longer eligible.

Commissioner Jo Daly then moved for approval, Commissioner Burl Toler seconded and it was unanimously approved.

RESOLUTION NO. 1402-84

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT
OF \$132,264.00 TO FUND PROJECT S.A.F.E. FOR FISCAL
YEAR 1984-85

RESOLVED, that the Police Commission hereby approves the Supplemental Appropriation in the amount of \$132,264.00 to fund Project S.A.F.E. for Fiscal 1984-85.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



HEARING OF OFFICER NIALL J. PHILPOTT, MISSION STATIONRESOLUTION NO. 1539-84

The matter of the hearing of Police Officer Niall J. Philpott, Mission Station, was called it having been set for this date.

Police Officer Niall J. Philpott appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Jerry Akins, Prosecuting Attorney.

Opening statement was reserved by Attorney Stephen Bley until Defense is ready to proceed, and at this time Attorney Stephen Bley also objected to the Hearing Proceedings before The Commission prior to his clients criminal trial being concluded. Defense Attorney John Prentice, on behalf of Officer Scott Quinn, joined Attorney Stephen Bley in the objection. Both Attorneys also requested that the Transcript of the Records and the Defendants' Testimony during this Hearing be sealed. The Commission noted the Attorney's objection for the record and ordered the Hearing to proceed.

The following named witnesses were called by the Prosecution, were sworn and testified:

Mr. Philip Andrew Hill	2048 Polk Street/SF
Mr. Bruce Lindberg	372 Richland Avenue/SF

The following exhibits were entered into evidence by the Prosecution:

Exhibit 1	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Upper Back
Exhibit 2	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Right Hand.
Exhibit 3	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Torso Left Side.
Exhibit 4	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Torso Right Side.
Exhibit 5	One 5-3/4 x 8" Color Photo of Full Length Frontal View of Mr. Lindberg.
Exhibit 6	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Left Arm.
Exhibit 7	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Head.

After listening to testimony from the above parties, The Commission then adjourned at 2200 hours and the matter was continued to January 17, 1985 at 1730 hours in Room 551, Hall of Justice.

(The Entire Proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

Recesses taken during the Hearing of Officer Philpott:

7:20 p.m. to 7:25 p.m. AND 7:59 p.m. to 8:05 p.m.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder



HEARING OF POLICE SCOTT G. QUINN, MISSION STATION

RESOLUTION NO. 1540-84

The matter of the hearing of Police Officer Scott G. Quinn, Mission Station, was called it having been set for this date.

Police Officer Scott G. Quinn appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Jerry Akins, Prosecuting Attorney.

Opening statement was reserved by Attorney John Prentice until Defense is ready to proceed, and at this time Attorney John Prentice also objected to the Hearing Proceedings before The Commission prior to his clients criminal trial being concluded. Defense Attorney Stephen Bley, on behalf of Officer Niall J. Philpott, joined Attorney John Prentice in the objection. Both Attorneys also requested that the Transcript of the Records and the Defendants' Testimony during this Hearing be sealed. The Commission noted the Attorney's objection for the record and ordered the Hearing to proceed.

The following named witnesses were called by the Prosecution, were sworn and testified:

Mr. Philip Andrew Hill	2048 Polk Street/SF
Mr. Bruce Lindberg	372 Richland Avenue/SF

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Exhibit 7	One 5-3/4" x 8" Color Photo of Mr. Lindberg's Head.

After listening to testimony from the above parties, The Commission then adjourned at 2200 hours and the matter was continued to January 17, 1985 at 1730 hours in Room 551, Hall of Justice.




(The Entire Proceedings were taken in Shorthand
Form by Ms. Linda Pransky, CSR.)

Recesses taken during the Hearing of Officer Quinn:

7:20 p.m. to 7:25 p.m.
7:59 p.m. to 8:05 p.m.

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

THE MEETING WAS THEN ADJOURNED AT 2105 HOURS


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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